

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

docket no: 16-cr-528 (HBP)

UNITED STATES OF AMERICA,

Plaintiff,

v.

LIDYA MARIA RADIN

Defendant

**MOTION TO DISQUALIFY  
MAGISTRATE PITMAN FOR  
BIAS & AS A MATERIAL  
WITNESS, 28 USC § 455 & § 144,  
AND RENDERING HIS 11/10/16  
ORDER VOID FOR VIOLATING  
U.S. SUPREME COURT  
RULINGS: NO SHOWING OF  
PROBABLE CAUSE, TO DATE**

*Original for Scanning  
And Filing*

**MOTION TO DISQUALIFY MAGISTRATE PITMAN FOR BIAS AND AS A  
MATERIAL WITNESS, 28 USC SECTIONS 455 & 144, AND RENDERING HIS  
11/10/16 ORDER VOID FOR VIOLATING U.S. SUPREME COURT RULINGS, THERE  
HAS BEEN NO SHOWING OF PROBABLE CAUSE FROM JANUARY 28, 2016 TO  
NOW.**

Under duress, after Magistrates Freeman and Pitman threatened to inflict the crimes of false arrest and false imprisonment on Me, and under threat of being beaten again and killed, see the January 28, 2016, building video tape, and affidavits of Dean Loren and Myself in connection with the unwarranted physical assault and battery inflicted upon Me on January 28, 2016 by contract guard Frank Pena, an unwarranted attack on Me that could have resulted in paralysis or my death because I am conservatively managing spinal injuries to avoid surgery, and reminding this Court that Magistrate Pitman made a finding that I be given more time than the Federal Rules of Criminal Procedure usually allow, because I am managing serious health issues, including a potentially life-ending physical medical condition and demanded accommodation under the Americans with Disabilities Act, **I move this Court, pursuant to 28 USC sections 455 and 114 to disqualify Magistrate Pitman as bias and as a material witness in the above captioned case, and to enter an Order striking Pitman's November 10, 2016 Order as there has been no showing of probable cause that would allow this case to go forward much less burden me with a Motion to Dismiss.** From January 28, 2016 to now, Magistrates Freeman,

Peck, and Pitman violated U.S. Supreme Court rulings which are controlling including Johnson v. U.S., 333 U.S. 10, 13-14 ( 1948 ), *the existence of probable cause is to be decided by a neutral and detached magistrate*, and Gerstein v. Pugh, 420 U.S. 103 ( 1975 ), *the fourth amendment entitles a person arrested without a warrant and charged by information, as here, to a timely preliminary hearing on probable cause*. From January 28, 2016 to now, almost a year ( ! ), there has been no showing of probable cause.

Further, on 9/23/2016, I confronted Magistrate Pitman with a certified copy of "Petty Docket Sheet and Judgment Order For 10/20/2015" from the Central Violations Bureau wherein Magistrate Peck purported to dismiss case H5118158 against Me, when, in fact, a case against Me in H5118158 had not been opened in the federal district court. The proceedings from February 4, 2015 to October 20, 2015 in federal court in H5118158 were sham proceedings to cover-up for false arrest and false imprisonment against Me on February 4, 2015.

It was only on **December 2, 2016**, that Chief Deputy Clerk Richard Wilson admitted that no case was opened in the Southern district of New York federal court in connection with federal ticket/ violation number H5118158 rendering the Southern district of New York a court of no record. It was only on **December 2, 2016 that Chief Deputy Clerk Richard Wilson** exposed the fact that Magistrate Henry Pitman colluded and conspired with Magistrates Freeman and Peck in trying to deceive Me that a case had been opened in H5118158 in federal court, and that Peck had signed an Order on October 20, 2015 dismissing the case against Me in H5118158, when, in fact, no case had been opened in the federal court in H5118158. In fact, I defended Myself in sham proceedings from February 4, 2015 to October 20, 2015 in H5118158. Peck, Pitman, and Court Clerks Vincent Babino and Daniel Orteiz drew Pitman's courtroom deputy Bruce Hampton into their criminal scheme. Bruce Hampton is a witness for Me as is Magistrate Pitman.

**The facts are as follows.**

( note: the brief summaries provided here are not comprehensive )

**Late fall 2014 to January 2015-** Radin and members of her group made good-faith efforts to report constitutional violations, racketeering ( as in Radin's case, racketeering is defined as

collection of an illegal debt), fraud, discrimination and hate crimes involving Yeshiva University, Sallie Mallie, and the U.S. Department of Education, to the forepersons of federal Grand Juries pursuant to complaints of constitutional violations, public corruption, and honest services fraud, among other things, see In the Matter of in re Grand Jury Application, 617 F. Supp 199 ( 1985 S.D.N.Y. ) and were stopped unlawfully by members of the Executive Branch, Department of Justice. Yeshiva University stipulated to fraud, discrimination, hate crimes against Radin.

**February 4, 2015-** Radin was subjected to the crimes of false arrest and false imprisonment in the Southern district of New York federal courthouse, at the direction of Deputy U.S. Marshal James Howard, resulting in federal ticket /violation number H5118158. Howard has been colluding in racketeering against Radin and taxpayers since 2009 in connection with financial fraud at Yeshiva University and the Albert Einstein College of Medicine of Yeshiva University.

**From February 4, 2015 to October 20, 2015-** With the assistance of her safety committee/ safety escort, Radin defended herself in sham proceedings in H5118158. It was only on **December 2, 2016**, that **Chief Deputy Clerk Richard Wilson** admitted that no case was opened in the federal district court, Southern district of New York, in connection with federal ticket/ violation number H5118158 rendering the Southern district of New York a court of no record. It was only on **December 2, 2016** that **Chief Deputy Clerk Richard Wilson** exposed the fact that Magistrate Henry Pitman colluded and conspired with Magistrates Freeman and Peck in trying to deceive Radin that a case had been opened in federal district court in H5118158, and that Peck had signed an Order on October 20, 2015 dismissing the case against Radin in federal district court in H5118158. Peck, Pitman, and Court Clerks Vincent Babino and Daniel Ortey drew Pitman's courtroom deputy Bruce Hampton into their criminal scheme. Bruce Hampton is a witness for Radin as is Pitman. On 9/23/2016, Radin confronted Pitman with a certified copy of "Petty Docket Sheet and Judgment Order For 10/20/2015" from the Central Violations Bureau wherein Peck purported to dismiss case H5118158 against Radin in federal district court, when, in fact, a case against Radin in H5118158 had not been opened in the federal district court; the proceedings from February 4, 2015 to October 20, 2015 in H5118158 in the federal court were sham proceedings to cover-up for false arrest and false imprisonment against Radin on

February 4, 2015.

**November 2015**-Magistrate Debra Freeman gave a verbal order that a signed Order from the federal district court be provided to Radin dismissing the case in connection with H5118158. It was only on December 2, 2016 that that Chief Deputy Clerk Richard Wilson admitted that no case was opened in the federal court, Southern district of New York, in connection with federal ticket/ violation number H5118158 rendering the Southern district of New York a court of no record.

**January 18, 2016**- Radin and members of her group met, face-to-face with U.S. Attorney General Loretta Lynch and Acting Secretary of Education, Dr. King, Jr.

**January 28, 2016**-ten days later, **Radin was physically assaulted and battered without cause, arrested without a warrant, and could have been killed in the Southern district of New York federal courthouse by contract guard Frank Pena in a criminal scheme that speaks to premeditated attempted murder and conspiracy to commit murder of Lidya Maria Radin.** After Pena fabricated a reason to attack Radin, and arrest Radin without a warrant and without cause on January 28, 2016, Radin was not taken immediately in front of a judge on January 28, 2016, in violation of the Federal Rules of Criminal Procedure. Instead federal prosecutors, Deputy U.S. Marshals, notably Jason W. Brascalla, and Judge Pauley's law clerk, Kyle O. Wood, colluded and conspired with Magistrate Andrew J. Peck in ex-part communications, communications which intentionally excluded Radin. Federal prosecutors misused the power and authority of their office in honest services fraud to execute the "Federal Ticket Scam" against Radin. To wit, federal ticket / violation number H5118172, charging a Class A misdemeanor on a federal violation ticket, in violation of the Federal Rules of Criminal Procedure, was given to Radin in a manner directly analogous to the criminal scheme that is being executed against Jayson Burg in New Jersey. This criminal scheme, this scam, the "Federal Ticket Scam" is being run by corrupt federal prosecutors, see Burg discovery documents 40 and 49 in the Appendix. Also see January 3, 2017 affidavit of Elvia Saravia with Jurat affiant statement: "**Affidavit of Elvia Saravia with additional information regarding**

**the unlawful conduct against Lidya Maria Radin on July 7, 2016 in the federal courthouse located at 500 Pearl Street, New York, New York. ”**

**April 2016**-Court clerks Vincent Babino and Daniel Ortezt accepted Radin’s papers for filing in connection with H5118172, Petition for Abatement for Misnomer, but did not file them, rendering the Southern district of New York federal court a court of no record.

**May 12, 2016**-oral argument in Time-Warner law suit.

**May 17, 2016**-Under duress, Radin provided paperwork to Magistrate Barbara Moses in connection with H5118172, Petition for Abatement for Misnomer. Moses “lost” Radin’s paperwork in her chambers, as per Court Clerk Daniel Ortezt. Radin’s papers were not filed rendering the Southern district of New York federal court a court of no record.

**June 21, 2016**-Court Clerks Vincent Babino and Daniel Ortezt failed and refused to file Radin’s paperwork in connection with H5118172, rendering the Southern district of New York federal court a court of no record, see supportive affidavits.

**June 24, 2016**- Assistant United States Attorney (AUSA) Stephanie Lake in front of Chief Magistrate Judge Debra Freeman failed and refused to take witness statements from Dean Loren, an eye-witness to the vicious physical attack on Lidya Radin on January 28, 2016 by contract guard Frank Pena, see affidavit of Eric Richmond. Shayne Doyle and her henchmen menaced and made moves to assault Eric Richmond in the hallway, as Richmond was about to enter an elevator to leave the federal courthouse as if to mimic the January 28, 2016 attack on Radin, but for the successful intervention of Dean Loren to protect Richmond. Dean Loren discussed the January 28, 2016, unwarranted attack on Radin by contract guard Frank Pena with Chief Judge Colleen McMahon.

**July 7, 2016**-Magistrate Freeman intentionally made a false court record, lying about Radin’s Petition for Abatement for Misnomer in connection with H5118172, see July 7, 2016 transcript and Saravia’s January 3, 2017 affidavit, “ **Affidavit of Elvia Saravia with additional**

**information regarding the unlawful conduct against Lidya Maria Radin on July 7, 2016 in the federal courthouse located at 500 Pearl Street, New York, New York ”, paragraphs 69 and 70.**

**Members of Radin’s group were threatened with arrest if they tried to sit at the defense table with Radin, violating Radin’s sixth amendment constitutionally-protected and guaranteed right to effective assistance of counsel, and U.S. Supreme Court rulings which are controlling, thereby depriving the Court of jurisdiction, if the Court ever had jurisdiction; the Court did not.**

AUSAs Stephanie Lake and Michael Ferrara and Federal Defender Julia Gatto colluded and conspired with Magistrate Freeman in making a false court record asserting falsely that Radin’s Petition for Abatement for Misnomer in connection with H5118172 was made to change a court date, when, in fact, Radin’s Petition for Abatement was made for Misnomer, see July 7, 2016 transcript. Lake and her co-conspirators did this to continue a malicious, unlawful, and vindictive prosecution against Radin. Federal prosecutors have been covering up for Howard and Shayne Doyle since, 2012, at least, see video tape of Doyle colluding in fraud and other crimes. While trying to file for a default judgment in connection with H5118172, because by July 7, 2016, Plaintiff “ UNITED STATES OF AMERICA ” had defaulted on Radin’s Petition for Abatement for Misnomer, Radin was physically assaulted and battered without cause by Homeland Security Officer V. Samuel at the direction of Magistrate Freeman. Samuel inflicted the crimes of false arrest and false imprisonment on Radin, resulting in vindictive prosecutions in federal tickets 6198601, 6198602, in order to prevent Radin from obtaining a meritorious default judgment in connection with H5118172 which would have terminated H5118172 in Radin’s favor.

**July 7, 2016 to August 11, 2016-Federal Defender Julia Gatto colluded and conspired behind Radin’s back, pretending to represent Radin, when, in fact, Gatto did not represent Radin, see details in Saravia’s January 3, 2017 affidavit, “ Affidavit of Elvia Saravia with additional information regarding the unlawful conduct against Lidya Maria Radin on July 7, 2016 in the**

federal courthouse located at 500 Pearl Street, New York, New York ", the July 7, 2016 transcript, and other supportive affidavits and the docket sheet.

**August 3, 2016-**AUSA Lake filed Information One. Information One charging that the federal courthouse at 500 Pearl Street, New York, New York was "**within the special maritime and territorial jurisdiction of the United States**" was shown to be a fraud; see also, Elvia Saravia's January 3, 2017, "**Affidavit of Elvia Saravia with additional information regarding the unlawful conduct against Lidya Maria Radin on July 7, 2016 in the federal courthouse located at 500 Pearl Street, New York, New York**".

**August 8, 2016-**AUSA Lake mailed Information One to Radin two days before August 10, 2016, deliberately not allowing enough time for Radin to receive it by August 10, 2016, and otherwise demonstrated insufficiency of service of process, in addition to other fatal flaws.

**August 10, 2016-** Magistrate Freeman colluded and conspired in more sham proceedings, and using a trick, steered Radin's case to Magistrate Peck, see also, Elvia Saravia's January 3, 2017 "**Affidavit of Elvia Saravia with additional information regarding the unlawful conduct against Lidya Maria Radin on July 7, 2016 in the federal courthouse located at 500 Pearl Street, New York, New York**" and other supportive affidavits.

**August 26, 2016-** Magistrate Andrew J. Peck colluded and conspired in more sham proceedings, had a conflict of interest involving Yeshiva University that Peck did not reveal, and using a trick, steered Radin's case to Magistrate Pitman, see August 26, 2016 transcript and Elvia Saravia's January 3, 2017 "**Affidavit of Elvia Saravia with additional information regarding the unlawful conduct against Lidya Maria Radin on July 7, 2016 in the federal courthouse located at 500 Pearl Street, New York, New York**". Members of Radin's group were threatened with arrest if they tried to sit at the defense table with Radin, violating Radin's sixth amendment constitutionally-protected and guaranteed right to effective assistance of counsel, and violating U.S. Supreme Court rulings which are controlling, thereby depriving the Court of jurisdiction, if the Court ever had jurisdiction; the Court did not.

See also the August 26, transcript and the affidavits of Elvia Saravia, Eric Richmond, Janice Wolk Grenadier, Joe Friendly, and Anne Wolinsky wherein AUSAs Lake and Ferrara presented no evidence that Lidya Maria Radin had committed a crime on August 26, 2016 in a proceeding that Magistrate Peck characterized as a "Preliminary proceeding". These affidavits were also given to federal authorities in support of a federal civil rights complaint in connection with Information One being a fraud on the court by court officers because, Information One charged that the federal courthouse at 500 Pearl Street, New York, New York was "**within the special maritime and territorial jurisdiction of the United States**" when, in fact, the federal courthouse at 500 Pearl Street, New York, New York, is under "**proprietary**" jurisdiction, as per the Regional Counsel for the General Services Administration.

In another sham proceeding and more acts of fraud, on **August 26, 2016**, Magistrate Andrew J. Peck signed a "Complaint/Removal Dismissal" purporting to dismiss federal tickets / violation numbers H5118172, 6198601, and 6198602 when, in fact, these tickets were not filed in federal district court. It is an absurdity that Magistrate Peck would purport to dismiss federal tickets that were never filed in his own court.

**August 29, 2016**-Federal prosecutors were compelled to release documents that show U.S. Attorney Preet Bharara and his assistants colluded and conspired with former Chief Judge Loretta Preska in intentionally falsifying records in the federal court, changing words and phrases in Radin's Verified Petition for a Writ of Prohibition, see Radin discovery documents, USAO\_000304 to USAO\_000435, in Appendix, rendering the Southern district of New York federal court a court of no record, see especially Richmond affidavit marked USAO\_000435 regarding AUSA Lake refusing to take the witness statement of Dean Loren regarding the unwarranted assault and battery on Radin by contract guard Frank Pena on January 28, 2016.

**September 7, 2016**- Radin made a federal civil rights complaints to federal authorities, see attached complaints, and supportive affidavits, in Appendix.

**September 23, 2016-** Magistrate Pitman colluded and conspired in more sham proceedings.

On 9/23/2016, Radin confronted Pitman with a certified copy of "Petty Docket Sheet and Judgment Order For 10/20/2015" from the Central Violations Bureau wherein Peck purported to dismiss case H5118158 against Radin, when, in fact, a case against Radin in H5118158 had not been opened in the federal district court. The proceedings from February 4, 2015 to October 20, 2015 in federal court in H5118158 were sham proceedings to cover-up for false arrest and false imprisonment against Radin on February 4, 2015. It was only on **December 2, 2016**, that Chief Deputy Clerk Richard Wilson admitted that no case was opened in the Southern district of New York federal court in connection with federal ticket/ violation number H5118158 rendering the Southern district of New York a court of no record. It was only on

**December 2, 2016 that Chief Deputy Clerk Richard Wilson** exposed the fact that Magistrate Henry Pitman colluded and conspired with Magistrates Freeman and Peck in trying to deceive Radin that a case had been opened in H5118158 in federal court, and that Peck had signed an Order on October 20, 2015 dismissing the case against Radin in H5118158, when, in fact, no case had been opened in the federal court in H5118158. In fact, Radin defended herself in sham proceedings from February 4, 2015 to October 20, 2015 in H5118158. Peck, Pitman, and Court Clerks Vincent Babino and Daniel Orteiz drew Pitman's courtroom deputy Bruce Hampton into their criminal scheme. Bruce Hampton is a witness for Radin as is Pitman.

Eric Richmond and Elvia Saravia were threatened with arrest if they tried to sit at the defense table with Radin, violating Radin's sixth amendment constitutionally-protected and guaranteed right to effective assistance of counsel, and violating U.S. Supreme Court rulings which are controlling, thereby depriving the Court of jurisdiction, if the Court ever had jurisdiction; the Court did not. See Elvia Saravia's January 3, 2017, "**Affidavit of Elvia Saravia with additional information regarding the unlawful conduct against Lidya Maria Radin on July 7, 2016 in the federal courthouse located at 500 Pearl Street, New York, New York**", see Eric Richmond's January 4, 2017 affidavit, and Jayson Burg's January 3, 2017 affidavit.

Information One was abandoned by the federal prosecutors. **Information One is a fraud on the court by court officers rendering it void and all proceedings associated with it void including the Bond that was obtained in connection with Information One on**

**August 26, 2016.** Information Two was filed. Information Two is fatally flawed, see Radin's Demand for a Verified Bill of Particulars. Federal prosecutors claimed that they "superseded" one fraud ( Information One ) with another fraud ( Information Two ).

**By September 23, 2016-** Magistrates Freeman, Peck, and Pitman violated U.S. Supreme Court rulings which are controlling including Johnson v. U.S., 333 U.S. 10, 13-14 ( 1948 ), *the existence of probable cause is to be decided by a neutral and detached magistrate*, and Gerstein v. Pugh, 420 U.S. 103 ( 1975 ), *fourth amendment entitles a person arrested without a warrant and charged by information to a timely preliminary hearing on probable cause*. AUSAs Lake and Ferrara presented no evidence that Lidya Maria Radin had committed a crime on August 26, 2016 in a proceeding that Magistrate Peck characterized as a "Preliminary proceeding", see the August 26, 2016 transcript, and supportive affidavits in Radin's September 7, 2016, Radin's federal civil rights complaints to federal authorities, in Appendix, and Radin's Demand for a Verified Bill of Particulars; see also Elvia Saravia's January 3, 2017, " Affidavit of Elvia Saravia with additional information regarding the unlawful conduct against Lidya Maria Radin on July 7, 2016 in the federal courthouse located at 500 Pearl Street, New York, New York ", and Eric Richmond's January 4, 2017 affidavit, and Jayson Burg's January 3, 2017 affidavit.

Briefly, in sum, on June 24, 2016, Magistrate Freeman witnessed AUSA Lake refusing to take Dean Loren's affidavit/witness statement regarding contract guard Frank Pena attacking Radin without cause and arresting Radin without a warrant on January 28, 2016. Further, Magistrate Freeman demonstrated that she is so biased, so interested, so prejudiced that she intentionally falsified a court record, asserting falsely that Radin's Petition for Abatement for Misnomer in connection with H5118172 was made to change a court date, when, in fact, Radin's Petition for Abatement was made for Misnomer, see July 7, 2016 transcript, and details in Elvia Saravia's January 3, 2017, " Affidavit of Elvia Saravia with additional information regarding the unlawful conduct against Lidya Maria Radin on July 7, 2016 in the federal courthouse located at 500 Pearl Street, New York, New York ". Freeman unlawfully ordered Radin attacked by Samuel on July 7, 2016 to stop Radin from filing a default at the Clerk of Court's office. The default would have exposed the "Federal Ticket scam" to a federal district judge and terminated

the malicious criminal prosecution in Radin's favor. Freeman followed up with a unlawful, written order on August 17, 2016, an order which was shown to be unlawful, subsequently. Freeman used a trick to steer Radin's case to Peck. Magistrate Peck had a conflict of interest with Yeshiva University that Peck did not reveal, despite the fact that Peck revealed his conflict in another case. AUSAs Lake and Ferrara made no showing that Radin had committed a crime to Peck, yet, instead of ending this malicious prosecution against Radin, Peck allowed it to continue, unlawfully. Using a trick, Peck steered Radin's case to Magistrate Pitman. There was no showing to Magistrate Pitman that Radin had committed a crime, yet, Pitman allowed this malicious prosecution against Radin to continue. Moreover, **Pitman colluded with Peck in trying to deceive Radin in connection with H5118158, and used his court room deputy, Bruce Hampton, in trying to deceive Radin in connection with H5118158, see Pitman's letter to Radin. Magistrate Pitman got caught and exposed by Chief Deputy Clerk Richard Wilson on December 2, 2016, thereby rendering his November 10, 2016, ruling void, and disqualifying Pitman from any further rulings in connection with Radin. In addition, Pitman's November 10, 2016 ruling violates Radin's constitutionally-protected and guaranteed right to due process, because it ordered Radin's submission to be limited to 25 pages, when, in fact, Radin's submissions are dictated by the amount of crimes and transgressions against Radin.**

**November 10, 2016-** Magistrate Pitman colluded and conspired in more sham proceedings. Eric Richmond and Elvia Saravia were threatened with arrest if they tried to sit at the defense table with Radin, violating Radin's sixth amendment constitutionally-protected and guaranteed right to effective assistance of counsel, and violating U.S. Supreme Court rulings which are controlling, thereby depriving the Court of jurisdiction, if the Court ever had jurisdiction; the Court did not. See Elvia Saravia's January 3, 2017, "Affidavit of Elvia Saravia with additional information regarding the unlawful conduct against Lidya Maria Radin on July 7, 2016 in the federal courthouse located at 500 Pearl Street, New York, New York", see Eric Richmond's January 4, 2017 affidavit, and Jayson Burg's January 3, 2017 affidavit.

From **November 28, 2016 to December 16, 2016** it was discovered that AUSA Lake and her co-conspirators intentionally concealed evidence, over an hour of building video tape from contract

guard Frank Pena's attack on Radin on January 28, 2016, and other documentary evidence, see paragraphs 82, 84, and 85 in Elvia Saravia's January 3, 2017, "Affidavit of Elvia Saravia with additional information regarding the unlawful conduct against Lidya Maria Radin on July 7, 2016 in the federal courthouse located at 500 Pearl Street, New York, New York".

It was only on **December 2, 2016**, that **Chief Deputy Clerk Richard Wilson** admitted that no case was opened in the federal district court, Southern district of New York, in connection with federal ticket/ violation number H5118158 rendering the Southern district of New York federal court a court of no record. **It was only on December 2, 2016 that Chief Deputy Clerk Richard Wilson exposed the fact that Magistrate Henry Pitman colluded and conspired with Magistrates Freeman and Peck in trying to deceive Radin that a case had been opened in federal court in H5118158, and that Freeman and Pitman tried to deceive Radin that Peck had signed an Order on October 20, 2015 dismissing the case against Radin in federal district court in H5118158, see Pitman's letter to Radin, thereby disqualifying Pitman from any ruling in Radin's case(s).** Peck, Pitman, and Court Clerks Vincent Babino and Daniel Orteiz drew Pitman's courtroom deputy Bruce Hampton into their criminal scheme. Bruce Hampton is a witness for Radin as is Pitman.

See also all the un-rebutted affidavits that were filed in two Petitions for a Writ of Habeas Corpus, docket numbers: 16-cv-6724, and 16-cv-6307, in the Southern district of New York. The rulings in these two cases are void for fraud, and subject to collateral attack at any time, because Petitions for Writs of Habeas Corpus can be used to challenge the terms of pre-trial release in connection with the Bond against Me. In addition, all these un-rebutted affidavits stand as fact. *TAKE JUDICIAL NOTICE, FEDERAL RULES OF EVIDENCE, RULE 201, OF THE RECORDS IN YOUR OWN COURT.*

See also the supportive affidavits and other supportive information and materials provided in the accompanying Appendix.

See also my Demand for a Verified Bill of Particulars.

Lastly, I demand that the so-called "Pro Se Staff Attorney" **not** be involved in my case at all, and **not engage in the unauthorized practice of law** by purporting to represent me and/or my case. I understand that this Court uses the deceptive practice of putting the submissions of a Pro Se, Pro Per, Sui Juris litigant into the hands of a so-called "Pro Se Staff Attorney" who then provides the judge with a summary, often inaccurate and misconstrued, and that this Court does **not** inform the Pro Se, Sui Juris litigant that this is done. Thus, I demand that this is **not** done here. I demand that my submissions be given to Magistrate Pitman directly **without** input from some nameless, faceless, so-called "Pro Se Staff Attorney" who engages in the **unauthorized practice of law** by purporting to represent me and/or my case, when, in fact, this man or woman never ascertained the facts from me. The so-called "Pro Se Staff Attorney" does **not** represent me and/or my case. If Magistrate Pitman has a question, Magistrate Pitman can ask Me, and/or schedule a hearing. I demand that my submissions be given to Magistrate Pitman directly, without passing through the hands of some nameless, faceless, so-called "Pro Se Staff Attorney" who does not represent me, and that my papers are given to Magistrate Pitman exactly as they were filed, without alteration, without being misconstrued in a summary.

*Lidya Maria Radin*

*Lidya Maria Radin*

*January 5, 2017*

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U.S. DISTRICT COURT SDNY

Affidavit  
of  
Elvia Saravia  
1/3/17

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2017 JAN -5 P 9:26  
U.S. DISTRICT COURT SDNY

**Affidavit of Elvia Saravia with additional information regarding the unlawful conduct against Lidya Maria Radin on July 7, 2016 in the federal courthouse located at 500 Pearl Street, New York, New York.**

*I, Elvia Saravia, a living woman, of 613 Port Richmond Avenue, Staten Island, New York, 10302, telephone: 347-570-8942, am a declared resident within the meets and bounds of the state of New York, a geographically defined state. I am of full age. I am competent and willing to testify, and having personal, first-hand knowledge of the facts stated herein, swear to the following, under penalty of perjury:.*

1. I am providing this declaration/affidavit to correct a typographical error in a previous affidavit and to provide additional facts.
2. I was present in **Room 520** on the fifth floor also known as "Courtroom 5A" at 500 Pearl Street, New York, New York, on **July 7, 2016**, at about 10:00 AM.
3. A certified audio tape of the unlawful proceeding on July 7, 2016 has been obtained from the clerks at the federal courthouse located on 500 Pearl Street, New York, New York.
4. That certified audio tape supports this affidavit.
5. A certified transcript of the unlawful proceeding on July 7, 2016 has been obtained and placed on-the-record in "UNITED STATES OF AMERICA v. LIDYA MARIA RADIN" , docket number: 16-cr-528.
6. The July 7, 2016 certified transcript supports this affidavit.
7. Among other things, the July 7, 2016 proceeding was unlawful because the federal ticket / violation number H5118172 that the July 7, 2016 proceeding purported to address was never filed in federal district court such that the federal district court did not have jurisdiction.
8. The federal ticket / violation number H5118172 was given to Radin on January 28, 2016.
9. A statement of probable cause in support of federal ticket / violation number H5118172 was never filed in federal district court such that the federal district court did not have jurisdiction.
10. A warrant in connection with federal ticket / violation number H5118172 was never issued from federal district court.

11. A summons in connection with federal ticket / violation number H5118172 was never issued from federal district court.
12. A "Notice to Appear" from the Central Violations Bureau is not a summons invoking the jurisdiction of the federal district court.
13. The Central Violations Bureau is not a court.
14. The Clerk of Court is responsible for all district court case files, including those for misdemeanor and petty offense cases tried by magistrates.
15. A "Notice to Appear" from the Central Violations Bureau is a ploy to deceive New York inhabitants into appearing in federal court to deceive New Yorkers into unwittingly participating in proceedings without explicitly preserving their rights so that the Court can purport to obtain personal jurisdiction over New Yorkers.
16. The Court cannot gain jurisdiction through deception, as here.
17. A "Notice to Appear" issued from the Central Violations Bureau is not a charging document/instrument because, among other things, it does not adequately describe a crime such that a defendant can prepare a defense and as such does not give proper notice.
18. If the prosecutors and the judges were honest and sincere, then, the paperwork would be in order and the deceptive practices described in this affidavit would not be used.
19. The case "UNITED STATES OF AMERICA v. LIDYA MARIA RADIN, docket number: 16-cr-528 was started sometime in early August 2016.
20. Yet the underlying federal ticket / violation number H5118172 charging Radin with 18 USC section 111(a)(1) was given to Radin on January 28, 2016.
21. After July 7, 2016, Radin and her group discovered that federal ticket/ violation number H5118172 was never filed in federal district court such that the federal court did not have jurisdiction.
22. After July 7, 2016, Radin and her group discovered that a statement of probable cause purporting to support federal ticket / violation number H5118172 was never filed in federal district court such that the federal district court did not have jurisdiction.
23. The jurisdiction of the federal court was never obtained in federal ticket / violation number H511872.

24. On July 7, 2016 federal tickets / violation numbers 6198601, 6198602 were given to Radin by Homeland Security Officer V. Samuel.
25. In another sham proceeding, on August 10, 2016, Assistant United States Attorney (AUSA) Stephanie Lake requested that the federal district court dismiss federal tickets H5118172, 6198601, and 6198602, see “ Complaint/Removal Dismissal ... The Government respectfully requests the Court to dismiss without prejudice the Tickets in United States v. Radin. The tickets were filed on January 28, 2016, July 7, 2016 ”.
26. In fact, federal tickets / violation numbers H5118172, 6198601, and 6198602 were not filed in federal district court.
27. In fact, statements of probable cause purporting to support federal tickets / violation numbers H5118172, 6198601, and 6198602 were not filed in federal district court.
28. In fact, the jurisdiction of the federal court in federal tickets / violation numbers H5118172, 6198601, and 6198602 was not obtained.
29. In early August 2016, the federal prosecutors purported to “supersede” these federal tickets with an Information ( “ Information One” ) in “UNITED STATES OF AMERICA v. LIDYA MARIA RADIN” , docket number: 16-cr-528.
30. Federal prosecutors cannot “supersede” tickets that were not filed in the federal court and for which the federal prosecutors did not obtain jurisdiction.
31. It is absurd that federal prosecutors claimed that they “superseded” tickets that were not filed in the federal court and for which the federal prosecutors did not obtain jurisdiction.
32. In addition, federal ticket / violation H5118172 is a fraud.
33. Federal ticket / violation H5118172 charges a Class A misdemeanor on a petty offense ticket in violation of the Federal Rules of Criminal Procedure, Rule 58.
34. After federal prosecutors abandoned this fraud, they sought to “supersede” federal ticket H5118172 with an Information ( “ Information One” ).
35. Information One is a fraud.
36. Among other fatal flaws, Information One falsely asserted that the federal district courthouse located at 500 Pearl Street, New York, New York, was “within the special maritime and territorial jurisdiction of the United States” when, in fact, as per the

Regional Counsel of the General Services Administration (GSA ) the jurisdiction at the federal courthouse is “ proprietary ” .

37. Further, in the federal district court no affidavit or statement sworn to under oath is filed that supports Information One in violation of Gerstein v. Pugh, 420 U.S. 103 ( 1975 ).
38. Information One is not signed by Preet Bharara.
39. In the federal district court there was no showing of probable cause in connection with Information One.
40. The jurisdiction of the federal district court to criminally prosecute Radin was not obtained in connection with Information One.
41. In connection with Information One there was no “preliminary” hearing at which Radin could confront and cross-examine adverse witnesses or summon favorable witnesses.
42. The prosecutors made no showing that a crime or crimes had been committed by Radin.
43. In connection with Information One the prosecutors made no showing of probable cause such that the prosecutors did not obtain the jurisdiction of the federal court to criminally prosecute Radin , see affidavits already provided to federal authorities in Radin’s civil rights complaint.
44. After Radin showed that Information One was a fraud, and after I assisted Radin in making civil rights complaints to federal authorities asserting, among other things, fraud, waste, and abuse of taxpayer resources by vindictive federal prosecutors in vindictive prosecutions against Radin wasting taxpayers’ money, AUSAs Lake and Ferrara abandoned Information One.
45. Lake and Ferrara then claimed that they “superseded” Information One with Information Two.
46. There is no court order dismissing Information One, see docket sheet in “UNITED STATES OF AMERICA v. LIDYA MARIA RADIN” , docket number: 16-cr-528.
47. There is no signed court order by a judge issuing the second unsupported Information ( “Information Two” ) in “UNITED STATES OF AMERICA v. LIDYA MARIA RADIN” , docket number: 16-cr-528, in contradiction to a statement made in writing and subscribed to by AUSA Stephanie Lake.
48. Information Two is a fraud.

49. It is an absurdity that the federal prosecutors purport to “supersede” one fraud with another fraud.
50. Among other fatal flaws, Information Two charges Radin with violations of regulations promulgated by the General Services Administration ( GSA ).
51. AUSAs Lake and Ferrara cannot and have not shown that the United States has exclusive jurisdiction pursuant to the federal constitution to criminally prosecute violations of regulations promulgated by the General Services Administration ( GSA ) at 500 Pearl Street, New York, New York, because the Regional Counsel of the GSA has already stated that the jurisdiction at the courthouse located at 500 Pearl Street, New York, New York, is “proprietary ” not “exclusive” and because AUSAs Lake and Ferrara did not provide proof of acts of the state legislature ceding jurisdiction to the federal government, and Lake and Ferrara did not provide proof of acts of Congress accepting jurisdiction from the state, and Lake and Ferrara have not provided other essential elements demonstrating jurisdiction, for example, the deed, and Lake and Ferrara did not account for the fact that the financing of the 500 Pearl Street construction project is “private” as per an act of Congress authorizing “private” financing of the 500 Pearl Street construction project and Congress’s silence if or when that “private” financing may have been changed as per Senate investigative hearings.
52. In addition, AUSAs Lake and Ferrara cannot and have not shown that the United States can criminally prosecute violations of regulations promulgated by the GSA at 500 Pearl Street because the federal prosecutors cannot and have not shown that the United States owns the building and land at 500 Pearl Street pursuant to the property clause of the federal constitution and authorizing legislation because, as per an act of Congress, the financing for the 500 Pearl Street construction was “private”.
53. Any change of financing from “private” to anything else was not authorized by an act of Congress, as per Senate Investigative hearing reports.
54. Information Two is fatally flawed for other reasons as well.
55. In the federal district court no affidavit or statement sworn to under oath is filed that supports Information Two in violation of Gerstein v. Pugh, 420 U.S. 103 ( 1975 ).
56. Information Two is not signed by Preet Bharara.

57. In the federal district court there was no showing of probable cause in connection with Information Two.
58. The jurisdiction of the federal district court to criminally prosecute Radin was not obtained in connection with Information Two.
59. In the federal court the prosecutors made no showing that a crime or crimes had been committed by Radin.
60. Nevertheless, in yet another sham proceeding and more acts of fraud, on August 26, 2016, Magistrate Andrew J. Peck signed the "Complaint/Removal Dismissal" purporting to dismiss federal tickets / violation numbers H5118172, 6198601, and 6198602 when, in fact, these tickets were not filed in federal district court.
61. It is an absurdity that Magistrate Peck would purport to dismiss federal tickets that were never filed in his own court.
62. From January 28, 2016 to July 7, 2016, under duress, Radin provided several Petitions for Abatement for Misnomer in response to the "Notice to Appear" in connection with federal ticket/ violation number H5118172.
63. By July 7, 2016, Plaintiff "UNITED STATES OF AMERICA" defaulted.
64. On July 7, 2016, after an unlawful proceeding in front of Chief Magistrate Judge Debra Freeman, Radin attempted to file and obtain a default judgment pursuant to the directions of federal Judge Carter by going to the Clerk of Court's office located on the first floor of the federal courthouse at 500 Pearl Street, New York, New York.
65. On July 7, 2016 Radin was stopped from filing and obtaining her default judgment when, while in the process of exercising her rights, Radin was physically assaulted, battered, arrested without a warrant and without cause by Homeland Security Officer V. Samuel.
66. On July 7, 2016 Homeland Security Officer V. Samuel inflicted the crimes of false arrest, false imprisonment, unlawful search, unlawful seizure, assault and battery, and impermissible touching on Radin.

67. On July 7, 2016 Homeland Security Officer V. Samuel inflicted these crimes on Radin and wrote false federal tickets / violations, 6198601 and 6198602, to cover-up for his own collusion in criminal conduct as stated in paragraphs 68, 69, and 70.
68. By his own statements, Homeland Security Officer V. Samuel was present in the courtroom in front of Magistrate Freeman and was a party to the unlawful July 7, 2016 proceeding.
69. In addition, as confirmed by the July 7, 2016 transcript, Homeland Security Officer V. Samuel had full knowledge colluded and conspired with Magistrate Freeman and with AUSAs Stephanie Lake and Michael Ferrara in fraud when Magistrate Freeman falsely asserted that Radin's Petition for Abatement was to change the court date, when, in fact, Radin's Petition for Abatement was for Misnomer, see transcript page 14, line 24, to page 15, line 17.
70. Further, as confirmed by the July 7, 2016 transcript, Homeland Security Officer V. Samuel had full knowledge colluded and conspired with Magistrate Freeman and AUSAs Lake and Ferrara in another fraud, charging a Class A misdemeanor on a petty offense ticket in violation of the Federal Rules of Criminal Procedure, Rule 58, see page 9, lines 8 to 15: "You have been charged in a violation notice with the crime of simple assault in violation of Title 18 of the United States Code § 111(a)(1). This statute makes it a crime for a person to forcibly assault, resist, oppose, impede, intimidate, or interfere with any officer or employee of the United States while that officer or employee is engaged in or on account of the performance of official duties."
71. Apparently, Freeman was referencing contract guard Frank Pena.
72. Contract guard Frank Pena is not a federal officer.
73. Contract guard Frank Pena is not a federal employee.
74. In fact, Ms. Radin is the crime victim.
75. The case "UNITED STATES OF AMERICA v. LIDYA MARIA RADIN, docket number: 16-cr-528 was started sometime in early August 2016, based on an information (Information One) not supported by probable cause, among other fatal flaws, when, in fact, Ms. Radin was compelled under duress to defend herself in sham proceedings beginning on January 28, 2016 based on federal ticket / violation number H5118172.

76. The proceeding on July 7, 2016 is one of those unlawful proceedings.
77. Federal ticket / violation number H5118172 charging Ms. Radin with a Class A misdemeanor on a petty offense ticket/ citation in violation of the Federal Rules of Criminal Procedure, Rule 58, was given to Radin by Homeland Security Officer Sandrowsky and other accusers on January 28, 2016.
78. On January 28, 2016, Homeland Security Officer Sandrowsky admitted that Sandrowsky did not witness the vicious physical attack on Ms. Radin by contract guard Frank Pena.
79. Homeland Security Officer Sandrowsky made this admission during unlawful, ex-parte communications with Magistrate Andrew J. Peck on January 28, 2016, and to others.
80. On January 28, 2016, Ms. Radin was attacked by contract guard Frank Pena as she was lawfully exiting the federal courthouse after a hearing involving her independent media producers union against Time-Warner Cable Corporation/Manhattan Neighborhood Network and the City of New York ( "the Time-Warner lawsuit" ).
81. Ms. Radin and Dean Loren, an eye-witness to the attack on Ms. Radin by contract guard Frank Pena, were exercising their rights in connection with the Time-Warner lawsuit and as such Radin and Loren were and are protected persons.
82. The identity of Radin's accusers who caused federal ticket / violation number H5118172 to be given to Radin as well as the ex-parte communications those accusers had on January 28, 2016 are being intentionally concealed from Ms. Radin by AUSA Lake in violation of Radin's constitutionally protected and guaranteed right to confront her accusers, and in violation of 18 USC section 2071, concealment, and 18 USC section 1519, to wit, unlawfully and in violation of Lake's ongoing duty to provide Ms. Radin with Brady material, Lake admitted only recently that Lake and other federal prosecutors have been and are intentionally concealing over an hour of building video tape from the attack on Ms. Radin on January 28, 2016 that would reveal the identity of Ms. Radin's accusers.
83. Those accusers are, in fact, perpetrators of crimes against Ms. Radin.
84. In addition, unlawfully and in violation of AUSA Lake's ongoing duty to immediately provide Radin with Brady material, and in violation of 18 USC section 2071, concealment, and 18 USC section 1519, Lake and her co-conspirators have been and are

intentionally concealing, among other things: Federal Protective Service Reports, Security Assessment Reports, Arrest Reports, Department of Homeland Security Reports/Alerts, especially an alert that falsely stated that Radin had been “hospitalized at Bellevue” as a search of the Bellevue records revealed that Radin was never hospitalized at Bellevue, in fact, Radin worked at Bellevue, Reports of Investigation, Field Reports, witness statements/interviews, Court Facility Incident Reports, authorized approval from the Federal Protective Service Mega Center authorizing “escorts” of Ms. Radin, “escorts”, which are, in fact, unlawful searches by observation, “escorts” which are, in fact, spying on and defaming Radin, and which on, at least, one occasion, intimidated the court clerks into not being honest and forthcoming with Radin about her business at the courthouse, “escorts” which are, in fact, thinly-veiled attempts to provoke more violence and incidents against Radin, Loren, and other members of their union/group, post orders authorizing “escorts” of Radin, and U.S. Marshal “alerts” and “caution notices” .

85. For example, in my presence in the Eastern district of New York federal courthouse a Deputy U.S. Marshal taunted Ms. Radin by telling her that there were Court Facility Incident Reports on Radin and that Radin “would never know who wrote those reports”.
86. Ms. Radin’s accusers include other prosecutors and Deputy U.S. Marshals including Deputy U.S. Marshal Jason W. Braggalla who colluded and conspired in manufacturing Federal ticket / violation number H5118172 charging Ms. Radin with a Class A misdemeanor on a petty offense ticket/ citation in violation of the Federal Rules of Criminal Procedure, Rule 58, on January 28, 2016, also known as “the Federal Ticket Scam ”.
87. “The Federal Ticket scam ” is a ploy, a scam, a retaliatory gesture, a vindictive prosecution in the style of a **strategic lawsuit against public participation (SLAPP) suit**, a strategic lawsuit meant to silence victims and critics of, among others, prosecutors, Deputy U.S. Marshals, and the Hudson County prosecutor’s office in connection with financial fraud and Yeshiva University, as revealed in Jayson Burg’s case/discovery documents.
88. In fact, Ms. Radin is the victim of crimes.

89. In fact, prosecutors colluded and conspired in perpetrating crimes against Ms. Radin.
90. Federal prosecutors, and others including those in the Hudson County prosecutor's office, colluded through Deputy U.S. Marshal James Howard, in New York, with Deputy U.S. Marshal Jerry Sanseverino in New Jersey to run "the Federal Ticket Scam" on Jayson Burg, Radin's co-host in her broadcasts, charging Burg with a Class A misdemeanor on a petty offense ticket/ citation in violation of the Federal Rules of Criminal Procedure, Rule 58.
91. The July 7, 2016 transcript demonstrates that AUSA Lake, Magistrate Freeman, and all the law enforcement personnel present in the courtroom on July 7, 2016 including Homeland Security Officer V. Samuel, and Homeland Security Inspector Justine Green, and Shayne Doyle, and a black man calling himself "Valez" colluded and conspired in executing the "Federal ticket scam" against Radin in the same manner as in Jayson Burg's case, see the July 7, 2016 transcript, page 9, lines 8 to 15: "You have been charged in a violation notice with the crime of simple assault in violation of Title 18 of the United States Code § 111(a)(1). This statute makes it a crime for a person to forcibly assault, resist, oppose, impede, intimidate, or interfere with any officer or employee of the United States while that officer or employee is engaged in or on account of the performance of official duties. "
92. Apparently, Magistrate Freeman was referring to contract guard Frank Pena.
93. Frank Pena attacked Radin on January 28, 2016 according to sworn eye-witness reports and portions of the building video tape that were released showing Pena's attack on Radin.
94. Frank Pena arrested Radin without a warrant and without cause on January 28, 2016 inflicting the crimes of false arrest and false imprisonment on Radin as Radin was lawfully exiting the courthouse after a hearing in the Time-Warner lawsuit.
95. Contract guard Frank Pena is not authorized to arrest anyone absent extreme circumstances not present here.
96. Contract guard Frank Pena is not a federal officer.
97. Contract guard Frank Pena is not a federal employee.

98. Deputy U.S. Marshal James Howard has been colluding in crimes against Ms. Radin since 2009, at least.
99. Deputy U.S. Marshal Jerry Sanseverino has been colluding in crimes against Ms. Radin since 2012, at least.
100. The Hudson County prosecutor's office has been colluding in crimes against Ms. Radin since June 2005, at least.
101. The crimes against Radin in financial fraud involving Yeshiva University, for example, among other crimes, are ongoing.
102. Jayson Burg helped Radin expose facts against the Hudson County prosecutor's office, Deputy U.S. Marshal James Howard, Deputy U.S. Marshal Jerry Sanseverino, U.S. Attorney Paul Fishman and officials associated with Yeshiva University, and the Albert Einstein College of Medicine of Yeshiva University, notably Daniel Riesel, a former federal prosecutor.
103. Daniel Riesel perjured himself in Radin's case(s).
104. Daniel Riesel colluded and conspired in perjury by John Scarfone, Associate General Counsel at Yeshiva University in a case in which Radin was named as a witness, see Reply affidavit of John Scarfone.
105. Daniel Riesel colluded and conspired in an unlawful state conviction against Radin, to wit, Radin has and continues to have "a legitimate purpose" in seeking to access and correct her records at Yeshiva University, Radin committed no crime.
106. More to the point, the state court that inflicted the unlawful conviction on Radin claimed that Radin waived any objections to jurisdiction, when, in fact, Radin cannot waive subject-matter jurisdiction, to wit, the statutes that were used to convict Radin stated that Radin would have to have "no legitimate purpose" in contacting officials associated with Yeshiva to stop financial crimes against Radin, when, in fact, Radin had and continues to have a legitimate purpose in stopping ongoing financial crimes against her, and taxpayers.
107. Jayson Burg, William Dorrity, Josh Volinsky are co-hosts, and co-producers with Radin, and with Dean Loren, Joe Barton, Paula Gloria and others are members Radin's independent media producers union.

108. Vindictively federal prosecutors and the Deputy U.S. Marshals ran "the Federal Ticket scam" on Burg in 2015 in New Jersey, then, in 2016, in New York, they ran it on Radin.
109. These vindictive, retaliatory prosecutions were inflicted on Radin and Burg after Radin and Burg attempted to report racketeering and constitutional violations involving prosecutors and Deputy U.S. Marshals including James Howard and Jerry Sanseverino to the federal Grand Juries on February 4, 2015, in New York, and on March 10, 2015, in New Jersey, respectively.
110. Federal Grand Juries are charged by law with diligently investigating all crimes in their districts.
111. On March 10, 2015, Burg, Radin, and Terrance Culpepper had a face-to-face meeting with U.S. Marshal Juan Mattos, Jr., who blessed what Burg, Radin, and Culpepper were doing; this fact is being concealed in the vindictive prosecution against Burg, see affidavits confirming the face-to-face meeting with Marshal Mattos.
112. As per the Burg discovery documents, AUSA Elisa Wiygul, and Burg's attorney, the root of the problem in New Jersey is Jerry Sanseverino, the author of the U.S. Marshal "alerts", false reports, which were used to goad an attack on Burg, acting in collusion with the Hudson County prosecutor's office.
113. One of these false reports, U.S. Marshal "alerts", characterized Jayson Burg, Lidya Radin, and April Cabbell as "sovereign citizens".
114. Defaming a man or woman as a "sovereign citizen" puts that man or woman's life at great risk because the "sovereign citizen" movement has been characterized as an extreme domestic terrorist organization.
115. In fact, the Burg discovery documents reveal that Jayson Burg has been defamed as a man who may be a member of a terrorist organization.
116. In fact, the Burg discovery documents reveal that Jayson Burg has been defamed as a suicidal terrorist.
117. In fact, on March 24, 2015, Jayson Burg was attacked without cause by Deputy U.S. Marshals and could have been left paralyzed or dead, in the worst case.

118. Defaming Jayson Burg in advance as a suicidal terrorist provides convenient cover story, if Burg had been murdered.
119. In fact, Lidya Radin was attacked without cause by contract guard Frank Pena on January 28, 2016 and could have been left paralyzed or dead, in the worst case.
120. Defaming Lidya Radin in advance as a terrorist provides convenient cover story, if Radin had been murdered.
121. Federal Grand Juries are charged by law with diligently investigating all crimes in their districts.
122. For constitutional violations the U.S. Attorney must prosecute, see In the Matter of in re Grand Jury Application, 617 F. Supp 199 ( 1985, S.D.N.Y.) .
123. For racketeering the U.S. Attorney must prosecute, see In the Matter of in re Grand Jury Application, 617 F. Supp 199 (1985, S.D.N.Y.) .
124. Racketeering is defined as collection of an illegal debt, as in Radin's case.
125. On February 4, 2015, to cover-up for his collusion, Deputy U.S. Marshal James Howard retaliated against Radin resulting in federal ticket / violation number H5118158.
126. On March 24, 2015, to cover-up for his collusion Deputy U.S. Marshal Jerry Sanseverino retaliated against Burg resulting in "the Federal ticket scam".
127. Deputy U.S. Marshal Jerry Sanseverino was the author of U.S. Marshal "alerts" against Burg, "alerts" , false reports, that were used to goad an unnecessary, violent physical assault on Burg on March 24, 2015, see Burg discovery documents and statements by Burg's attorney.
128. On March 24, 2015, in New Jersey, Jayson Burg was attacked without cause on the streets of Newark, New Jersey, after Burg told contract guards that if they wanted to question Burg then, the contract guards, including contract guard Daniel Donaido, should get a warrant, see Burg discovery documents.
129. They did not, see Burg discovery documents.
130. Instead, Burg was physically assaulted and battered, foot-ball tackled from behind, arrested without a warrant and without cause, strip searched, not brought in front of a judge on March 24, 2015, after his arrest without a warrant in violation of the Federal Rules of Criminal Procedure, Rule 5, a complaint based on probable cause was not filed in the

federal district court promptly, within two days of Burg's arrest without a warrant on March 24, 2015, in violation of the Federal Rules of Criminal Procedure, Rules 3 and 5, dragged in front of Special Agent Robert E. Moore, Jr., and Hudson County prosecutor's office Detective Judy Serson who tried to coerce Burg into waiving his Miranda rights, see Burg discovery documents, and videotape.

131. In sum, Burg is the crime victim here.

132. Among other things, because federal prosecutors violated the Federal Rules of Criminal Procedure, acts of Congress, they do not have jurisdiction to criminally prosecute Burg because, they cannot break the law while at the same time they purport to enforce the law.

133. The unnecessary violent physical assault on Jayson Burg on March 24, 2015, could have left Burg paralyzed or dead, in the worst case.

134. Burg explicitly stated to contract guards including contract guard Daniel Danaido that if the contract guards wanted to question Burg, see Burg discovery documents, the contract guards should get a warrant.

135. They did not, see Burg discovery documents.

136. After the unnecessary violent physical assault on Burg, see the building video tape which demonstrates excessive force used against Burg, on March 24, 2015, in New Jersey, Special Agent Robert E. Moore, Jr., and Hudson County prosecutor's office Detective Judy Serson "presented" Burg's case to a federal prosecutor in U.S. Attorney Paul Fishman's office, who, then, dictated that Burg should be charged with a Class A misdemeanor, for Title 18 USC section 111(a)(1), on a petty offense ticket / citation in violation of the Federal Rules of Criminal Procedure, Rule 58, "the Federal Ticket scam", see Burg discovery documents 40 and 49, thus, setting into motion a vindictive and unlawful prosecution against Burg.

137. In the same criminal scheme that is being used against Radin, the identity of this federal prosecutor who is one of Burg's accusers, is being intentionally concealed in violation of Burg's constitutionally protected and guaranteed right to confront his accusers, in violation of Brady, Brady material must be given to Burg immediately, and in violation of 18 USC section 2071, among other things.

138. In addition, this federal prosecutor is a co-conspirator in the same "Federal ticket scam" that is being used against Radin.
139. Radin has a right to know the identity of this federal prosecutor so that Radin can confront her accusers as well.
140. The federal prosecutors cannot break the law at the same time they purport to enforce the law.
141. The contract guard that Burg is accused of assaulting is not a federal officer.
142. The contract guard, Daniel Donadio, that Burg is accused of assaulting is not a federal employee, see Burg discovery document, Burg\_00036.
143. Daniel Donadio is a "contract guard", see Burg discovery document, Burg\_00036.
144. The unlawful, vindictive prosecution of Burg, which continues to today, is intentional fraud, waste, and abuse of taxpayer dollars by the federal prosecutors, among other things.
145. The concerted, coordinated violent assault on Jayson Burg that could have left Burg paralyzed or dead on March 24, 2015, speak to premeditated attempted murder and conspiracy to commit murder of Jayson Burg.
146. The concerted, coordinated violent assault on Lidya Maria Radin, subsequently, on January 28, 2016, that could have left Radin paralyzed or dead speak to premeditated attempted murder and conspiracy to commit murder of Lidya Maria Radin.
147. Federal ticket / violation number H5118172 charging Radin with a Class A misdemeanor on a petty offense ticket/ citation in violation of the Federal Rules of Criminal Procedure, Rule 58, on January 28, 2016, as a cover-up, was never filed in federal district court.
148. A statement of probable cause supporting federal ticket / violation number H5118172 charging Radin with a Class A misdemeanor on a petty offense ticket/ citation in violation of the Federal Rules of Criminal Procedure, Rule 58, on January 28, 2016, was never filed in federal district court.
149. A warrant for Radin's arrest in federal ticket / violation number H5118172 charging Radin with a Class A misdemeanor on a petty offense ticket/ citation in violation of the Federal Rules of Criminal Procedure, Rule 58, on January 28, 2016, was never issued from the federal district court.

150. A summons invoking the jurisdiction of the federal district court commanding Radin to appear and answer the federal ticket / violation number H5118172 charging Radin with a Class A misdemeanor on a petty offense ticket/ citation in violation of the Federal Rules of Criminal Procedure, Rule 58, on January 28, 2016, was never issued from federal district court.
151. A "Notice to Appear" from the Central Violations Bureau is not a summons invoking the jurisdiction of a federal district court.
152. The Central Violations Bureau is not a court.
153. A "Notice to Appear" from the Central Violations Bureau is a ploy to deceive New York inhabitants into appearing in federal court to deceive New Yorkers into unwittingly participating in proceedings without explicitly preserving their rights so that the Court can purport to obtain personal jurisdiction over New Yorkers.
154. The Court cannot gain jurisdiction through deception, as here.
155. A "Notice to Appear" from the Central Violations Bureau is not a charging document/instrument because, among other things, it does not adequately describe a crime such that a defendant can prepare a defense and as such does not provide adequate notice.
156. Under duress, Ms. Radin provided several Petitions for Abatement for Misnomer to correct at least one fatal flaw in the "Notice to Appear" .
157. By July 7, 2016, Plaintiff "UNITED STATES OF AMERICA" had defaulted on Ms. Radin's Petitions for Abatement for Misnomer.
158. By July 7, 2016, Ms. Radin provided Magistrates Barbara Moses and Debra Freeman and U.S. Attorney Preet Bharara with ample paperwork to demonstrate that these proceedings against Radin are unlawful.
159. This paperwork, signed for and accepted for filing by Court Clerks Vincent Babino and Daniel Ortey, intentionally was not filed in the federal district court rendering the Southern district of New York a court of no record.
160. As a court of no record, the Southern district of New York federal district court has no jurisdiction over Radin, or anyone.
161. Court Clerk Daniel Ortey claimed that the paperwork that Radin had provided to Magistrate Moses was not filed and was "lost in her chambers, somewhere ".

162. No written record is a characteristic of SLAPP style-suits/ vindictive prosecutions.
163. See for example, Radin's First Petition for Abatement for Misnomer, stamped "RECEIVED, 5-17-16, D.Ortez ", was received by court clerk Daniel Ortiz for filing and not filed rendering the Southern district court a court of no record, see Radin discovery documents, Bates-stamped USAO\_000355, also marked with the certified, return receipt tracking number 7016 0600 0000 6709 5081 to U.S. Attorney Preet Bharara.
164. See also, for example, Radin's Second Petition for Abatement for Misnomer, stamped "RECEIVED" and initialed by D. Ortiz on 6-21-16, which was received for filing by court clerk Daniel Ortiz and not filed in the Southern district of New York, rendering the Southern district of New York a court of no record, these are Bates-stamped USAO\_000334 to USAO\_000335, these are also marked with the certified, return receipt tracking number 7016 0600 0000 6709 5081 to U.S. Attorney Preet Bharara.
165. Radin's Petitions for Abatement clearly state that Radin's Petition for Abatement is for Misnomer, "Where conditions for its issuance exist, abatement is a matter of right, not of discretion; The misnomer or mis-description of a party is ground for abatement; and Grounds for abatements are the same for equity and law cases" see Radin discovery documents, Bates-stamped USAO\_000356, also marked with the certified, return receipt tracking number 7016 0600 0000 6709 5081 to U.S. Attorney Preet Bharara.
166. In addition, Radin discovery document, Bates-stamped USAO\_000356 demonstrates irrefutably that the federal prosecutors colluded and conspired with Magistrate Freeman in deliberately making a false court record on July 7, 2016, when on July 7, 2016, Magistrate Freeman falsely asserted that Radin's Petition for Abatement was to change a court date, see July 7, 2016 transcript, page 14, line 24 to page 15, line 17, when, in fact, Radin's Petitions for Abatement were for Misnomer, not to change a court date.
167. See also Radin discovery documents, Bates-stamped USAO\_000379 to USAO\_000383 , initialed by Vincent Babino, "VB" stamped "RECEIVED APR 18 2016" received for filing by court clerk Vincent Babino, these documents were not filed in the federal district court as Radin was fighting federal ticket / violation number H5118172 rendering the Southern district of New York a court of no record.

168. These documents are entitled "SUPPLEMENTAL AFFIDAVIT OF LIDYA MARIA RADIN REGARDING THE UNWARRANTED VIOLENT PHYSICAL ASSAULT ON ME ON JANUARY 28, 2016, IN THE FEDERAL COURTHOUSE BY A COURT SECURITY OFFICER/AGENT OF THE U.S. MARSHAL SERVICE THAT SPEAK TO THE CRIMES OF ( 1 ) PREMEDIATED ATTEMPTED MURDER OF LIDYA RADIN, AND ( 2 ) CONSPIRACY TO COMMIT MURDER OF LIDYA RADIN" and include an affidavit from eye-witness Dean Loren.
169. By late June 2016, by United States mail, certified return receipt, Radin provided ample paperwork to U.S. Attorney Preet Bharara and Magistrate Freeman in accordance with directions from federal Judge Carter so that Radin could file for a default judgment in H5118172 with the Clerk of Court, see Radin discovery documents Bates-stamped USAO\_000304 to USAO\_000434.
170. According to federal Judge Carter's step-by-step instructions, the paperwork had to be mailed to U.S. Attorney Preet Bharara and Magistrate Freeman by U.S. mail, certified, return receipt, as Radin did, so that Radin could file for her default judgment and set a calendar date for a required Order to Show Cause, steps that are required so that Radin could obtain her default judgment.
171. See also in Radin discovery documents, on page USAO\_000310, dated 22-June-2016, Radin: "...I do not consent to a Magistrate Judge to hear this case."
172. On July 7, 2016, Magistrate Freeman violated the Federal Rules of Criminal Procedure, Rule 58, when Magistrate Freeman purported to hear a case charging a Class A misdemeanor without permission of defendant Radin, thereby losing jurisdiction and rendering the July 7, 2016 proceeding and the criminal prosecution against Radin void.
173. Judges cannot break the law at the same time that they purport to enforce the law.
174. AUSAs Lake and Ferrara cannot break the law at the same time that they purport to enforce the law.
175. The July 7, 2016 proceeding is void for other fatal flaws, as well.
176. U.S. Attorney Preet Bharara's copy of Radin's Wednesday, 22-June-2016 letter to Magistrate Freeman has the certified, return receipt tracking number, 7016 0600 0000 6709

5081, on every page, see Radin discovery documents Bates-stamped USAO\_000310 to USAO\_000434.

177. In connection with federal ticket / violation number H5118172 charging Radin in a vindictive scam on January 28, 2016, Frank Pena, a contract guard, arrested Ms. Radin without a warrant and without cause on January 28, 2016.
178. Ms. Radin was not brought in front of a judge immediately on January 28, 2016, in violation of the Federal Rules of Criminal Procedure, Rule 5.
179. In connection with federal ticket / violation number H5118172 charging Radin in a vindictive scam on January 28, 2016, and in connection with the fact that Frank Pena arrested Ms. Radin without a warrant and without cause on January 28, 2016, no complaint was filed promptly in the federal district court, within two days of the January 28, 2016 false arrest, false imprisonment, assault and battery inflicted upon Radin by Frank Pena, a private contract security guard, in violation of the Federal Rules of Criminal Procedure, Rules 3 and 5.
180. Contract guard Frank Pena is not authorized to arrest anyone absent extreme circumstances not demonstrated here.
181. Contract guard Frank Pena is not a federal officer.
182. Contract guard Frank Pena is not a federal employee.
183. In connection with federal ticket / violation number H5118172 charging Radin in a vindictive scam on January 28, 2016, and in connection with the fact that Frank Pena arrested Radin without a warrant and without cause on January 28, 2016, and, in connection with the unsupported information(s) in "UNITED STATES OF AMERICA v. LIDYA MARIA RADIN" , docket number: 16-cr-528, started in early August 2016, no statements of probable, facts sworn to under oath, were filed in the federal district court, in violation of the Federal Rules of Criminal Procedure, Rule 3 and 5.
184. In connection with federal ticket / violation number H5118172 charged in a vindictive scam on January 28, 2016, and the unsupported information(s) in connection with "UNITED STATES OF AMERICA v. LIDYA MARIA RADIN" , docket number: 16-cr-528, started in early August 2016, no statements of probable, facts sworn to under oath,

- were presented in the federal district court, in violation of the Federal Rules of Criminal Procedure, in connection with any preliminary proceedings/ hearings.
185. In addition to insufficiency of process, the docket sheet in connection with the first unsupported Information, in early August 2016, in "UNITED STATES OF AMERICA v. LIDYA MARIA RADIN", docket number: 16-cr-528, demonstrates insufficiency of service of process in connection with the first unsupported information.
186. The first unsupported Information in "UNITED STATES OF AMERICA v. LIDYA MARIA RADIN", docket number: 16-cr-528, demonstrates a fraud on the court by court officers and the crime of offering a false instrument for filing, among other things, because it falsely asserts that the federal courthouse located at 500 Pearl Street, New York, New York is "within the special maritime and territorial jurisdiction of the United States" when, in fact, the federal courthouse is under "proprietary" jurisdiction as per the Regional Counsel for the General Services Administration.
187. The first unsupported Information in "UNITED STATES OF AMERICA v. LIDYA MARIA RADIN", docket number: 16-cr-528, demonstrates a fraud on the court by court officers and the crime of offering a false instrument for filing, among other things, because it falsely attempts to characterize contract guard Frank Pena as federal officer or federal employee for the purposes of charging Radin with 18 USC section 113(a)(5).
188. Contract guard Frank Pena is not a federal officer.
189. Contract guard Frank Pena is not a federal employee.
190. Frank Pena is a contract guard.
191. As a contract guard Frank Pena is not authorized to arrest anyone absent extreme circumstances not demonstrated here.
192. As a contract guard Frank Pena is not authorized to arrest anyone absent extreme circumstances not demonstrated here and absent explicit authorization from the Federal Protective Service Mega Center not demonstrated here.
193. There is no signed court order by a judge dismissing the first unsupported Information in "UNITED STATES OF AMERICA v. LIDYA MARIA RADIN", docket number: 16-cr-528.
194. There is no signed court order by a judge issuing the second unsupported Information

in "UNITED STATES OF AMERICA v. LIDYA MARIA RADIN" , docket number: 16-cr-528 in contradiction to a statement made in writing and subscribed to by AUSA Stephanie Lake.

195. A complaint, a statement of the facts sworn to under oath, Rule 3 and Rule 5, Federal Rules of Criminal Procedure, had to be filed promptly within two days after the arrest without a warrant that was inflicted upon Ms. Radin on January 28, 2016 by Frank Pena.
196. A complaint was not filed promptly in the federal district court within two days of the arrest without a warrant on January 28, 2016, in violation of the Federal Rules of Criminal Procedure, Rule 3 and 5.
197. The federal prosecutors cannot break the law, and the same time they purport to enforce the law.
198. Because the federal prosecutors violated the Federal Rules of Criminal Procedure, they lost jurisdiction, as here.
199. The Federal Rules of Criminal Procedure were and are established through acts of Congress.
200. Jurisdiction has to be obtained and maintained at each step of the proceedings, not demonstrated here.
201. On July 7, 2016, I witnessed Lidya Maria Radin state to Chief Magistrate Judge Debra Freeman that the Federal Defenders did not represent her.
202. Lidya Maria Radin made it unmistakably clear that Assistant Federal Defender Julia Gatto did not represent her, see the July 7, 2016 transcript.
203. Ms. Radin made it clear that she was sui juris.
204. Ms. Radin repeatedly asked Assistant Federal Defender Julia Gatto to leave the table at which Ms. Radin was speaking.
205. Assistant Federal Defender Julia Gatto did not leave despite Ms. Radin's repeated requests.
206. Instead, Assistant Federal Defender Julia Gatto looked through Ms. Radin's notes, paperwork, and other materials without Ms. Radin's permission.
207. It was only revealed in the past two weeks or so by a senior attorney with the Federal Defender's of New York, Inc. that Assistant Federal Defender Julia Gatto opened a file on

Ms. Radin and proceeded to litigate as if Gatto were Radin's representative, when, in fact, Gatto was not, see letter from senior attorney.

208. The July 7, 2016 transcript shows that Radin refused Gatto's representation.

209. The July 7, 2016 transcript shows that Radin is sui juris.

210. The docket sheet in "UNITED STATES OF AMERICA v. LIDYA MARIA RADIN", docket number: 16-cr-528, states that Gatto was "terminated" on August 11, 2016 when, in fact, Radin never retained Gatto, Radin never filled out a request for a Federal Defender or a free or low-cost Bar-attorney, Radin never supported a request for a Federal Defender or a free or low-cost Bar-attorney with an affidavit regarding Radin's inability to pay for a private Bar-attorney, a request from Radin was never reviewed and approved by a judge despite the fact that Magistrate Freeman reviewed and approved applications from two other defendants on July 7, 2016, there is no signed Order by a judge appointing Gatto as Radin's Federal Defender after review and approval of a request by Radin despite the fact that Magistrate Freeman signed two Orders on July 7, 2016 for two other defendants ordering explicitly that Julia Gatto represent these two other defendants, no copies of any order appointing Gatto as Radin's representative can be found after a search of the files at the Federal Defenders New York office by a senior attorney, no copies of any order appointing Gatto as Radin's representative can be found with the Clerk of Court, no copies of any order can be found in Radin's magistrate file because the court clerks stated that there was no magistrate file on Radin, and there is no signed Order by a judge terminating Gatto on August 11, 2016, all demonstrating again a characteristic of a SLAPP-style suit/vindictive prosecution: no written records.

211. On July 7, 2016, Ms. Radin referenced the fact that the Federal Defenders did not represent her last year either in connection with federal ticket/ violation number H5115158.

212. Ms. Radin made it clear that she was sui juris in connection with federal ticket/ violation number H5118158.

213. On July 7, 2016, Ms. Radin asked Chief Judge Debra Freeman to enforce the verbal order that Magistrate Freeman gave in November 2015 that the court clerks provide Ms. Radin with an Order signed by a judge dismissing the case in connection with federal ticket /

- violation number H5118158 after the court clerks informed Radin that ticket H5118158 had been dismissed on October 20, 2015 by Magistrate Peck, see transcript, page 7, lines 3 to 6: "...and I don't even have the order from November 2015, when the criminal charges were dismissed against me last year, and you ordered the Court Clerks to give that to me."
214. On July 7, 2016, Magistrate Freeman refused to enforce her verbal Order from November 2015 that the court clerks provide Radin with Magistrate Peck's signed Order from October 20, 2015 dismissing ticket H5118158 against Radin.
215. Subsequently, on December 2, 2016, it was discovered that Magistrate Freeman could not enforce her verbal November 2015 Order because no case was opened in the Southern district of New York in connection with federal ticket / violation number H5118158 rendering the Southern district of New York a court of no record.
216. On December 2, 2016 it was discovered that federal prosecutors, notably AUSA Matthew Podolsky, Magistrate Peck, Federal Defender Christopher Flood and his colleagues, and Homeland Security Inspector Justine Green and Shayne Doyle and a black man calling himself "Velaz", colluded and conspired in sham proceedings against Radin from February 4, 2015 to October 20, 2015 in connection with federal ticket / violation number H5118158 rendering the Southern district of New York a court of no record.
217. Further, on December 2, 2016, it was admitted that from February 4, 2015 to October 20, 2015 Ms. Radin was never in front of a judge in connection with federal ticket/ violation number H5118158 in violation of **Local Criminal Rule 58.1. Petty Offenses--Collateral and Appearance, which states:**
- “(a) A person who is charged with a petty offense as defined in 18 U.S.C. § 19, or with violating any regulation promulgated by any department or agency of the United States government, may, in lieu of appearance, post collateral in the amount indicated in the summons or other accusatory instrument, waive appearance before a United States Magistrate Judge, and consent to forfeiture of collateral.
- (b) For all other petty offenses the person charged must appear before a Magistrate Judge.

#### COMMITTEE NOTE

This rule (formerly Local Criminal Rule 58.2) authorizes the forfeiture of collateral pursuant to Federal Rule of Criminal Procedure 58(d)(1).”

218. On December 2, 2016 Chief Deputy Clerk Richard Wilson admitted that no case was opened in the Southern district of New York in connection with federal ticket/ violation number H5118158 issued on February 4, 2015 by Homeland Security officers who arrested Radin without a warrant and without cause at the direction of Deputy U.S. Marshal James Howard.
219. In connection with federal ticket/ violation number H5118158, after Radin was arrested without a warrant and without cause and at the direction of Deputy U.S. Marshal James Howard on February 4, 2015, Radin was not brought in front of a judge on February 4, 2015 in violation of the Federal Rules of Criminal Procedure, Rule 5.
220. Again, a compliant based on probable cause, a statement of facts sworn to under oath, Rules 3 and 5, Federal Rules of Criminal Procedure, was not filed promptly within two days of Radin’s February 4, 2015 arrest without a warrant in the federal court in connection with federal ticket/ violation number H5118158.
221. Federal prosecutors cannot break the law while they purport to uphold the law.
222. On December 2, 2016, it was admitted that Ms. Radin had defended herself in sham proceedings from February 4, 2015 to October 20, 2015 in connection with federal ticket/ violation number H5118158 rendering the Southern district of New York a court of no record.
223. On December 2, 2016 it was exposed that Magistrate Andrew J. Peck with Assistant United States Attorney ( AUSA ) Mathew Padolsky, and other federal prosecutors in U.S. Attorney Preet Bharara’s office, and Shayne Doyle and a black man calling himself “Valez” and Homeland Security Inspector Justine Greene and Homeland Security Officer Sandrosky and other Homeland Security Officers and others colluded and conspired in sham proceedings rendering the Southern district of New York a court of no record, a kangaroo court, a rigged court, a McKeanist court, a basement court.
224. Notably, Magistrate Peck acting in collusion with Magistrate Henry Pitman and Pitman’s court room deputy Bruce Hampton purported to dismiss the case in connection with federal

- ticket/ violation number H5118158 on October 20, 2015, when, in fact, a case in connection with this federal ticket was never opened in the federal district court.
225. It was only on December 2, 2016 that Chief Deputy Clerk Richard Wilson admitted that no case was opened in the Southern district of New York in connection with federal ticket/ violation number H5118158 charging Radin on February 4, 2015, at the direction of Deputy U.S. Marshal James Howard, rendering the Southern district of New York a court of no record and demonstrating that court officers and law enforcement officials colluded and conspired in the crimes of false arrest and false imprisonment against Radin pursuant to Radin's federal tort claims as well as colluding and conspiring in malicious prosecution and abuse of process against Radin.
226. It is absurd that Magistrate Peck would purport to dismiss the case in connection with federal ticket / violation number H5118158 when a case was never opened in his own court, the Southern district of New York.
227. In connection with the federal tickets / violations and "Petty Offense Docket Sheet and Judgment Order For 10/20/2015 at 10:30 AM Hearing Site: SDNY District: NEW YORK SOUTHERN " on October 20, 2015 Magistrate Peck violated 18 USC section 3401(e):  
" Proceedings before United States magistrate judges under this section shall be taken down by a court reporter or recorded by suitable sound recording equipment. "
228. Magistrate Henry Pitman and Pitman's court room deputy Bruce Hampton colluded with Magistrate Peck in trying to deceive Radin, when, in fact, on December 2, 2016, Chief Deputy Clerk Richard Wilson admitted that no case was opened in the Southern district of New York in connection with federal ticket/ violation number H5118158.
229. Magistrate Pitman and his court room deputy Bruce Hampton colluded and conspired with Magistrate Peck rendering the Southern district of New York a court of no record.
230. On December 2, 2016, it was admitted that the Southern district of New York is a court of no record.
231. Ultimately, the court clerks admitted that federal tickets H5118158, H5118172, 6198601, and 6198602 were never filed in the federal court and that no statements or presentations of probable cause supporting federal tickets H5118158, H5118172, 6198601, and 6198602 were filed in the federal court.

232. The court clerks admitted that no cases based on federal tickets H5118158, H5118172, 6198601, and 6198602 were opened in the federal court.
233. AUSAs Stephanie Lake and Michael Ferrara intentionally committed fraud when they falsely represented that federal tickets H5118172, 6198601, and 6198602 were superseded by the first Information because these tickets were never filed in federal court and cases based on these tickets were never opened in federal court.
234. In addition, as seen on ticket H5118172 and as described by Magistrate Freeman on July 7, 2016, see transcript page 9, lines 8 to 15, federal ticket H5118172 is a fraud as it charges a Class A misdemeanor, 18 USC section 111(a)(1), on a petty offense ticket, in violation of the Federal Rules of Criminal Procedure, Rule 58.
235. The first Information is a fraud because it falsely asserted that the courthouse located at 500 Pearl Street, New York, New York was under the “special maritime and territorial jurisdiction of the United States “ when, in fact, the courthouse located at 500 Pearl Street, New York, New York, is under “propriety” jurisdiction as per the Regional Counsel of the General Services Administration.
236. In addition, the first Information is a fraud because it sought to assert that Frank Pena was a federal officer or federal employee when, in fact, Frank Pena is not a federal officer or federal employee.
237. Frank Pena is a contract guard.
238. The first Information against Radin demonstrates insufficiency of service of process as well as insufficiency of process, see docket sheet, from which Judicial Notice can be taken pursuant to the Federal Rules of Evidence, Rule 201.
239. On August 10, 2016 Magistrate Freeman rigged the assignment wheel to steer Radin’s case to Magistrate Peck, see witness statements and courtroom video tape.
240. On August 26, 2016 Magistrate Peck did not reveal his conflict of interest against Radin, see August 26, 2016 transcript.
241. Yet, in a previous case, Magistrate Peck was truthful and forthcoming about his conflict involving Yeshiva University, not demonstrated here, see George Karkanas v. Albert Einstein College of Medicine of Yeshiva University & Yeshiva University, docket number: 08 civ. 1967, Peck’s April 7, 2008 Order: “ The parties are advised that I am an

Adjunct Professor at Cardozo Law School, which is part of the Yeshiva University system. I do not believe that this would require my recusal. The parties shall promptly advise me (and Judge Scheindlin) if they think otherwise...copies by fax & ECF to: ...Dan Riesel, Esq. .”

242. Dan Riesel is the former federal prosecutor who perjured himself in Radin’s case(s) against Yeshiva University and the Albert Einstein College of Medicine.
243. Magistrate Peck was and is an adjunct professor at Yeshiva University’s law school.
244. Officials associated with Yeshiva University already stipulated to fraud, and discrimination, hate crimes against Radin, see stipulations.
245. Because of these stipulations Magistrate Peck can either resign from the bench or resign from Yeshiva’s law school, as per the Bar Association.
246. On August 26, 2016, Myself and other members of Radin’s group were threatened with arrest if we sat at the defense table with Radin to provide effective assistance to Radin, in violation of Radin’s constitutionally protected and guaranteed right to effective assistance of counsel and in violation of U.S. Supreme Court rulings which are controlling, see the August 26, 2016 transcript, and *"Litigants can be assisted by unlicensed laymen during judicial proceedings"*, *Brotherhood of Trainmen v. Virginia ex rel Virginia State Bar*, 377 U.S. 1, *NAACP v. Button*, 371 U.S. 415, *United Mineworkers of America v. Gibbs*, 383 U.S. 715, *Johnson v. Avery* 89 S. Ct. 747.
247. Effective assistance of counsel is not defined as a Bar-attorney.
248. Because Magistrate Peck colluded and conspired in violating Radin’s constitutionally protected and guaranteed rights the Court lost jurisdiction to prosecute Radin.
249. On August 26, 2016, AUSAs Lake and Ferrara colluded and conspired with Magistrate Peck in violating Radin’s constitutionally protected and guaranteed rights.
250. Federal prosecutors cannot break the law while at the same time they purport to enforce the law.
251. Further, on August 26, 2016, AUSAs Lake and Ferrara presented no evidence that Radin had committed a crime despite Magistrate Peck’s characterization of the August 26, 2016 proceeding as a “preliminary” proceeding, see August 26, 2016 transcript and affidavits in support of Radin’s civil rights complaint to federal authorities.

252. Further, on August 26, 2016 Magistrate Peck rigged the assignment wheel to steer Radin's case to Magistrate Henry Pitman, see witness statements.
253. Again, on September 23, 2016, Eric Richmond and I were threatened with arrest if we sat at the defense table with Radin to provide effective assistance to Radin, in violation of Radin's constitutionally protected and guaranteed right to effective assistance of counsel and in violation of U.S. Supreme Court rulings which are controlling, see *"Litigants can be assisted by unlicensed laymen during judicial proceedings"*, Brotherhood of Trainmen v. Virginia ex rel Virginia State Bar, 377 U.S. 1, NAACP v. Button, 371 U.S. 415, United Mineworkers of America v. Gibbs, 383 U.S. 715, Johnson v. Avery 89 S. Ct. 747.
254. On September 23, 2016, I witnessed Radin confront Magistrate Henry Pitman with a certified "Petty Offense Docket Sheet and Judgment Order For 10/20/2015 at 10:30 AM Hearing Site: SDNY District: NEW YORK SOUTHERN " wherein federal ticket / violation number H5118158 against Radin purportedly was dismissed by Magistrate Peck on Oct 20 2015, see certified copy from Central Violations Bureau.
255. On September 23, 2016, Magistrate Henry Pitman disavowed any knowledge of this.
256. Notably Radin's name is not correctly spelled.
257. On September 23, 2016, Radin asked Magistrate Pitman to provide to Radin the signed October 20, 2015 court order from Magistrate Peck dismissing federal ticket / violation number H5118158 against Radin as per certified documentation from the Central Violations Bureau, see certified "Petty Offense Docket Sheet and Judgment Order For 10/20/2015" from the Central Violations Bureau.
258. Magistrate Peck acting in collusion with Magistrate Henry Pitman and Pitman's court room deputy Bruce Hampton purported to dismiss the case in connection with federal ticket/ violation number H5118158 on October 20, 2015, when, in fact, a case in connection with this federal ticket was never opened in the federal district court, see Pitman's letter to Radin.
259. It was only on December 2, 2016 that Chief Deputy Clerk Richard Wilson admitted that no case was opened in the Southern district of New York in connection with federal ticket/ violation number H5118158 charging Radin on February 4, 2015, at the direction of Deputy U.S. Marshal James Howard, rendering the Southern district of New York a court

of no record and demonstrating that court officers and law enforcement officers colluded and conspired in the crimes of false arrest and false imprisonment against Radin pursuant to Radin's federal tort claims in addition to malicious prosecution and abuse of process against Radin.

260. Joe Barton, Paula Gloria, Anne Wolinsky, and others in association with Radin's group have Federal Tort Claims as well.

261. In late November 2016, AUSA Stephanie Lake admitted to intentionally concealing evidence in violation of Lake's continuing duty to immediately give to Radin Brady material and in violation of 18 USC section 2071, and in violation of U.S. Supreme Court rulings which are controlling; to wit, federal prosecutors are creatures of the law and they are bound by the law, *United States v. Lee*, 106 U.S. 196 ( 1882 ); Discovery is the backbone of due process, without discovery there is no due process, *Wardius v. Oregon*, 412 U.S. 470 ( 1973 ); Illegal, unconstitutional conduct is sedition, subversion, *Cole, State Hospital Superintendent, et al v. Richardson*, 405 U.S. 676 ( 1972 ).

262. Subsequently, in late November 2016/ early December 2016, AUSA Michael Ferrara colluded and conspired with AUSA Lake in the intentional concealment of evidence and in violation of Ferrara's continuing duty to immediately give to Radin Brady material and in violation of 18 USC section 2071, and in violation of U.S. Supreme Court rulings which are controlling; to wit, federal prosecutors are creatures of the law and they are bound by the law, *United States v. Lee*, 106 U.S. 196 ( 1882 ); Discovery is the backbone of due process, without discovery there is no due process, *Wardius v. Oregon*, 412 U.S. 470 ( 1973 ); Illegal, unconstitutional conduct is sedition, subversion, *Cole, State Hospital Superintendent, et al v. Richardson*, 405 U.S. 676 ( 1972 ).

263. Subsequently, in late November 2016/ early December 2016, Lake's and Ferrara's supervisors colluded and conspired with Lake and Ferrara in violation of their continuing duty to immediately give Radin Brady material and in violation of 18 USC section 2071, and in violation of U.S. Supreme Court rulings which are controlling; to wit, federal prosecutors are creatures of the law and they are bound by the law, *United States v. Lee*, 106 U.S. 196 ( 1882 ); Discovery is the backbone of due process, without discovery there is no due process, *Wardius v. Oregon*, 412 U.S. 470 ( 1973 ); Illegal, unconstitutional

conduct is sedition, subversion, Cole, State Hospital Superintendent, et al v. Richardson, 405 U.S. 676 ( 1972 ).

264. Lake, Ferrara, and their supervisors are concealing over an hour of building video tape from the vicious attack on Radin on January 28, 2016, and reports/documents listed in paragraph 71.

265. On July 7, 2016, I witnessed AUSA Stephanie Lake accept personal, in-hand service of Ms. Radin's Notice of Default/Default by plaintiff "UNITED STATES OF AMERICA" in connection with Radin's Abatement for Misnomer in federal ticket / violation number **H5118172**.

266. The July 7, 2016 transcript reflects the fact that AUSA Stephanie Lake accepted personal, in-hand service of Radin's Notice of Default/Default by plaintiff "UNITED STATES OF AMERICA" in connection with Radin's Abatement for Misnomer in federal ticket/ violation number **H5118172**.


267. The July 7, 2016 transcript reflects the fact that Chief Magistrate Judge Debra Freeman accepted personal, in-hand service of Radin's Notice of Default/Default by plaintiff "UNITED STATES OF AMERICA" in connection with Radin's Abatement for Misnomer in federal ticket/ violation number H5118172.


268. The July 7, 2016 transcript reveals that Magistrate Freeman intentionally made a false court record, stating falsely that Radin's Petition for Abatement for Misnomer was to change the court date, when, in fact the Petition for Abatement for Misnomer was made because the "Notice to Appear" from Central Violations Bureau did not properly name Radin as a defendant and was not a proper charging instrument to invoke the jurisdiction of the federal district court, see page 14, line 24, "...I gave you three, count them, three, petitions for abatement, and what I asked for could you please get my name right on the summons. You couldn't get my name right last year, and you can't get my name right this year...and I don't waive any of my rights until the abatement issue is, is taken care of first. So you don't even have a proper summons... THE COURT: ...I understood that your petitions for abatement were to put the matter over to a different date...Ms. Radin: No " to page 27, line 16, "...the Court will take the papers " showing that Magistrate Freeman accepted personal, in-hand service of Radin's Notice of Default/Default.

269. The July 7, 2016 transcript demonstrates that Lake, Freeman, and all law enforcement personnel present in the courtroom including Homeland Security Inspector Justine Green, Shayne Doyle, a black man calling himself "Velaz" and Homeland Security Officer V. Samuel had full knowledge that Radin's Petition for Abatement for Misnomer was not made to change a court date and that they all colluded and conspired with Freeman in making a intentionally false court record, a fraud on the court by court officers thereby depriving the Court of jurisdiction.
270. Subsequently, I accompanied Ms. Radin to the first floor of the federal courthouse.
271. I was and am a member of a safety escort for Ms. Radin.
272. Ms. Radin was physically assaulted, battered and impermissibly touched by a contract guard, Frank Pena, on January 28, 2016 on the 20<sup>th</sup> floor of the federal courthouse located at 500 Pearl Street, New York, New York as confirmed by building video tapes and the affidavits of Dean Loren, an eye-witness to the attack on Radin by Frank Pena.
273. Ms. Radin has spinal injuries and is trying to avoid surgery.
274. The physical assault and battery on Ms. Radin on January 28, 2016 could have resulted in paralysis or her death.
275. In addition, Ms. Radin is a vulnerable person as Radin has a potentially life-ending physical medical condition.
276. A federal judge has already acknowledged that Ms. Radin has a potentially life-ending physical medical condition.
277. On July 7, 2016, after the unlawful proceeding in front of Magistrate Freeman, I accompanied Ms. Radin to the entrance way of the Clerk of Court's office, on the first floor of 500 Pearl Street, New York, New York.
278. On July 7, 2016, I was present to witness Radin file her Notice of Default/Default by plaintiff "UNITED STATES OF AMERICA" in Radin's Abatement for Misnomer in federal ticket / violation number H5118172.
279. On July 7, 2016, unlawfully Homeland Security Officer V. Samuel, badge number 292, blocked Ms. Radin from entering the Clerk of Court's office.
280. On July 7, 2016, a contract guard grabbed Radin's files from Radin and threw Radin's files on the floor.

281. On July 7, 2016, Homeland Security Officer V. Samuel prevented Radin from filing Radin's Notice of Default/Default in connection with Radin's Petition for Abatement for Misnomer in ticket H5118172 by arresting Radin without cause and without a warrant.
282. On July 7, 2016, no Miranda warning was given to Radin as Homeland Security Officer V. Samuel arrested Radin without a warrant and without cause.
283. As per Dean Loren's witness statement, likewise no Miranda warning was given to Radin on January 28, 2016 when Frank Pena arrested Radin without cause and without a warrant as Radin was lawfully exiting the courthouse after a hearing in the Time-Warner lawsuit.
284. On July 7, 2016, Homeland Security Office V. Samuel inflicted the crimes of false arrest and false imprisonment upon Radin as Radin was exercising her rights.
285. As per *Bordenkircher v. Hayes*, 434 U.S. 357 ( 1978 ): " To punish a person because he has done what the law plainly allows him to do is a due process violation of the most basic sort...and for an agent of the State to pursue a course of action whose objective is to penalize a person's reliance on his legal rights is patently unconstitutional. "
286. On July 7, 2016, I witnessed excessive, unlawful force used against Radin by Homeland Security Officers V. Samuel, Wong, and Will, badge numbers 292, 213, and 246.
287. As Radin was being arrested without cause and without a warrant on July 7, 2016, another Homeland Security Officer tried to block my view of Ms. Radin.
288. From the unlawful order written by Magistrate Debra Freeman on August 17, 2016, unlawfully ordering Ms. Radin not to file any papers through the Clerk of Court despite federal district Judge Carter's instructions that default judgments must be made through the Clerk of Court, and from the July 7, 2016 transcript wherein Freeman accepted personal, in-hand service of Radin's Petition for Abatement for Misnomer it is apparent that the signal, the order, to assault, batter, falsely arrest and imprisonment Radin came from Chief Magistrate Judge Freeman herself, to stop Radin from filing her default with the Clerk of Court, because had Radin completed the process to obtain her default judgment, the facts of the criminal scheme that Freeman colluded in, in connection with federal ticket/ violation number H5118172, would have been exposed to a federal district judge, and the proceedings in connection with federal ticket / violation number H5118172 would have been terminated in Radin's favor.

289. On July 7, 2016, Homeland Security Officers ejected me from the federal courthouse without cause.
290. On July 7, 2016, Radin was singled out from our group, targeted, because all the members of our group, the safety escort, were trying to enter the Clerk of Court's Office to witness Radin file her default judgment and Radin was the only one who was singled out for assault and battery, false arrest, false imprisonment, unlawful search, unlawful seizure, and targeted for more unlawful court proceedings, using the court system itself as a means of aggression.
291. Homeland Security Officers and those associated with Shayne Doyle instilled fear in me.
292. As per the Federal Bureau of Investigation (FBI):
- "Domestic terrorism" means activities with the following three characteristics:**
- Involve acts dangerous to human life that violate federal or state law;
  - Appear intended (i) to intimidate or coerce a civilian population...; and
  - Occur primarily within the territorial jurisdiction of the U.S.
293. Violations of the United States Constitution are violations of federal law, as here.
294. In the immediate aftermath of the false arrest and false imprisonment that was inflicted upon Radin on July 7, 2016, Myself and another witness took photographs of the marks left on Radin's arms and hands from the handcuffs showing unnecessary, excessive force was used against Radin.
295. See 3 William Blackstone, Commentaries on the Laws of England \*120, defining battery as "the unlawful beating of another" and noting that "[t]he least touching of another's person willfully, or in anger, is a battery; for the law cannot draw the line between different degrees of violence, and therefore totally prohibits the first and lowest stage of it: every man's person being sacred, and no other having a right to meddle with it, in any the slightest manner".
296. Subsequently, and among other things, I assisted Radin in making complaints regarding the civil rights violations inflicted against Ms. Radin described in this affidavit to federal authorities.

297. On July 7, 2016, Myself and other members of Radin's group were threatened with arrest if we sat at the defense table with Radin to provide effective assistance to Radin, in violation of Radin's constitutionally protected and guaranteed right to effective assistance of counsel and in violation of U.S. Supreme Court rulings which are controlling, see *"Litigants can be assisted by unlicensed laymen during judicial proceedings"*, Brotherhood of Trainmen v. Virginia ex rel Virginia State Bar, 377 U.S. 1, NAACP v. Button, 371 U.S. 415, United Mineworkers of America v. Gibbs, 383 U.S. 715, Johnson v. Avery 89 S. Ct. 747, and see the July 7, 2016 transcript, witness affidavits, and courtroom video tape.
298. Effective assistance of counsel is not defined as a Bar-licensed attorney.
299. And again, on August 26, 2016, Myself and other members of Radin's group were threatened with arrest if we sat at the defense table with Radin to provide effective assistance to Radin, in violation of Radin's constitutionally protected and guaranteed right to effective assistance of counsel and in violation of U.S. Supreme Court rulings which are controlling, see *"Litigants can be assisted by unlicensed laymen during judicial proceedings"*, Brotherhood of Trainmen v. Virginia ex rel Virginia State Bar, 377 U.S. 1, NAACP v. Button, 371 U.S. 415, United Mineworkers of America v. Gibbs, 383 U.S. 715, Johnson v. Avery 89 S. Ct. 747, and see the August 26, 2016 transcript, witness affidavits, and courtroom video tape.
300. Effective assistance of counsel is not defined as a Bar-licensed attorney.
301. And again, on September 23, 2016 Eric Richmond and I were threatened with arrest if we sat at the defense table with Radin to provide effective assistance to Radin, in violation of Radin's constitutionally protected and guaranteed right to effective assistance of counsel and in violation of U.S. Supreme Court rulings which are controlling, see *"Litigants can be assisted by unlicensed laymen during judicial proceedings"*, Brotherhood of Trainmen v. Virginia ex rel Virginia State Bar, 377 U.S. 1, NAACP v. Button, 371 U.S. 415, United Mineworkers of America v. Gibbs, 383 U.S. 715, Johnson v. Avery 89 S. Ct. 747, see witness affidavits, and courtroom video tape.
302. Effective assistance of counsel is not defined as a Bar-licensed attorney.
- ~~303. And again, on November 10, 2016 Eric Richmond and I were threatened with arrest if we sat at the defense table with Radin to provide effective assistance to Radin, in violation~~ 

~~415, United Mineworkers of America v. Gibbs, 383 U.S. 715, Johnson v. Avery 89 S. Ct. 747, see witness affidavits, and courtroom video tape.~~ 

302. Effective assistance of counsel is not defined as a Bar-licensed attorney.

303. And again, on November 10, 2016 Eric Richmond and I were threatened with arrest if we sat at the defense table with Radin to provide effective assistance to Radin, in violation of Radin's constitutionally protected and guaranteed right to effective assistance of counsel and in violation of U.S. Supreme Court rulings which are controlling, see "*Litigants can be assisted by unlicensed laymen during judicial proceedings*", Brotherhood of Trainmen v. Virginia ex rel Virginia State Bar, 377 U.S. 1, NAACP v. Button, 371 U.S. 415, United Mineworkers of America v. Gibbs, 383 U.S. 715, Johnson v. Avery 89 S. Ct. 747, see witness affidavits, and courtroom video tape.

304. Effective assistance of counsel is not defined as a Bar-licensed attorney.

305. Violating Radin's constitutionally protected and guaranteed rights deprives the federal district court of jurisdiction, if indeed the federal district court ever had jurisdiction.

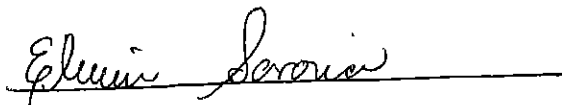
306. Federal prosecutors colluding in constitutional violations and other crimes and transgressions against Radin, including collection of an illegal debt, racketeering, at the expense of taxpayers, cannot break the law while purporting to enforce the law.

307. Federal prosecutors are creatures of the law and they are bound by the law, United States v. Lee, 106 U.S. 196 ( 1882 ).

308. Discovery is the backbone of due process, without discovery there is no due process, Wardius v. Oregon, 412 U.S. 470 ( 1973 ).

309. Illegal, unconstitutional conduct is sedition, subversion, Cole, State Hospital Superintendent, et al v. Richardson, 405 U.S. 676 ( 1972 ).

*I demand the right to offer proof of all that I have testified to in this affidavit, have each statement accepted or rebutted with factual evidence at a For Cause Hearing within 21 calendar days of tender of this affidavit and/or upon failure to rebut this affidavit, by acquiescence, all parties stipulate to the truth of the facts and statements made herein. Failure to rebut this affidavit will be evidence in the matter noted above that complainant(s)/victim(s) were injured by loss of rights and by government agents' interference and that they exceeded their jurisdiction.*  
Sworn and subscribed to me, this 03rd day of January 2017



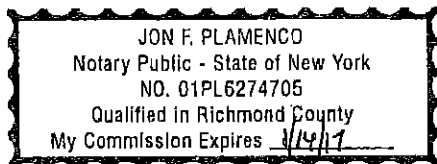
**JURAT WITH AFFIANT STATEMENT**

State of New York } ss.  
County of Richmond

- ☒ See Attached Document (Notary to cross out lines 1-7 below)  
☐ See Statement Below (Lines 1-7 to be completed only by document signer[s], not Notary)

1 \_\_\_\_\_  
2 \_\_\_\_\_  
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Signature of Document Signer No. 1 \_\_\_\_\_ Signature of Document Signer No. 2 (if any) \_\_\_\_\_

Subscribed and sworn to (or affirmed) before me  
this 3 day of January, 2017, by  
Date Month Year



Elina Saravia  
Name of Signer No. 1

\_\_\_\_\_  
Name of Signer No. 2 (if any)  
Jon F. Plamenco  
Signature of Notary Public

Place Notary Seal/Stamp Above

Any Other Required Information  
(Residence, Expiration Date, etc.)

**OPTIONAL**

This section is required for notarizations performed in Arizona but is optional in other states. Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: additional info. saravia. affidavit. july 7, 2016  
Document Date: 1/3/17 Number of Pages: 35 pages  
Signer(s) Other Than Named Above: No other signers

Affidavit  
of

ERIC RICHMOND

JANUARY 4, 2017

**Affidavit of Eric Richmond regarding ( 1 ) violating Radin's constitutionally-protected and guaranteed rights deprived the federal district court of jurisdiction, and ( 2 ) the Southern district of New York federal court is a court of no record, as admitted by Chief Deputy Clerk Richard Wilson on December 2, 2016, and ( 3 ) federal prosecutors colluded in concealing evidence, and ( 4 ) violating the Federal Rules of Criminal Procedure deprived the federal district court of jurisdiction.**

*I, Eric Richmond, a living man, can be reached at 2107 Regent Place, Brooklyn, New York, telephone: (646) 256-9613. I am of full age. I am competent and willing to testify, and having personal, first-hand knowledge of the facts stated herein, swear to the following, under penalty of perjury:*

**-Violating Radin's rights deprived the federal district court of jurisdiction-**

1. In connection with the vindictive prosecution against Radin, now, in "UNITED STATES OF AMERICA v. LIDYA MARIA RADIN" , docket number: 16-cr-528, in the Southern district of New York, on July 7, 2016, Myself and other members of Radin's group/safety escort were threatened with arrest if we sat at the defense table with Radin to provide effective assistance to Radin, in violation of Radin's constitutionally-protected and guaranteed right to effective assistance of counsel and in violation of U.S. Supreme Court rulings which are controlling, see *"Litigants can be assisted by unlicensed laymen during judicial proceedings"*, *Brotherhood of Trainmen v. Virginia ex rel Virginia State Bar*, 377 U.S. 1, *NAACP v. Button*, 371 U.S. 415, *United Mineworkers of America v. Gibbs*, 383 U.S. 715, *Johnson v. Avery* 89 S. Ct. 747, and see the July 7, 2016 transcript, witness affidavits, and courtroom video tape.
2. Effective assistance of counsel is not defined as a Bar-licensed attorney.
3. And again, on August 26, 2016, members of Radin's group were threatened with arrest if members sat at the defense table with Radin to provide effective assistance to Radin, in violation of Radin's constitutionally-protected and guaranteed right to effective assistance of counsel and in violation of U.S. Supreme Court rulings which are controlling, see *"Litigants can be assisted by unlicensed laymen during judicial proceedings"*, *Brotherhood of Trainmen v. Virginia ex rel Virginia State Bar*, 377 U.S. 1, *NAACP v. Button*, 371 U.S. 415, *United Mineworkers of America v. Gibbs*, 383 U.S. 715, *Johnson*

- v. Avery 89 S. Ct. 747, and see the August 26, 2016 transcript, witness affidavits, and courtroom video tape.
4. Effective assistance of counsel is not defined as a Bar-licensed attorney.
  5. On September 23, 2016, Elvia Saravia and I were threatened with arrest if Saravia and/or I sat at the defense table with Radin to provide effective assistance to Radin, in violation of Radin's constitutionally-protected and guaranteed right to effective assistance of counsel and in violation of U.S. Supreme Court rulings which are controlling, see *"Litigants can be assisted by unlicensed laymen during judicial proceedings"*, *Brotherhood of Trainmen v. Virginia ex rel Virginia State Bar*, 377 U.S. 1, *NAACP v. Button*, 371 U.S. 415, *United Mineworkers of America v. Gibbs*, 383 U.S. 715, *Johnson v. Avery* 89 S. Ct. 747, see witness affidavits, and courtroom video tape.
  6. Effective assistance of counsel is not defined as a Bar-licensed attorney.
  7. And again, on November 10, 2016 Elvia Saravia and I were threatened with arrest if Saravia and/or I sat at the defense table with Radin to provide effective assistance to Radin, in violation of Radin's constitutionally-protected and guaranteed right to effective assistance of counsel and in violation of U.S. Supreme Court rulings which are controlling, see *"Litigants can be assisted by unlicensed laymen during judicial proceedings"*, *Brotherhood of Trainmen v. Virginia ex rel Virginia State Bar*, 377 U.S. 1, *NAACP v. Button*, 371 U.S. 415, *United Mineworkers of America v. Gibbs*, 383 U.S. 715, *Johnson v. Avery* 89 S. Ct. 747, see witness affidavits, and courtroom video tape.
  8. Effective assistance of counsel is not defined as a Bar-licensed attorney.
  9. Violating Radin's constitutionally-protected and guaranteed rights deprives the federal district court of jurisdiction, if indeed the federal district court ever had jurisdiction.
  10. Federal prosecutors cannot break the law while at the same time purporting to enforce the law.
  11. Federal prosecutors are creatures of the law and they are bound by the law, *United States v. Lee*, 106 U.S. 196 ( 1882 ).

**-The Southern district of New York federal court is a court of no record-**

12. The Clerk of Court is responsible for all district court case files, including those for misdemeanor and petty offense cases tried by magistrates.
13. On December 2, 2016 Chief Deputy Clerk Richard Wilson admitted that no case was opened in the Southern district of New York in connection with federal ticket/ violation number H5118158 against Lidya Maria Radin.
14. Ms. Radin defended herself in sham proceedings from February 4, 2015 to October 20, 2015 in connection with federal ticket/ violation number H5118158 rendering the Southern district of New York federal court a court of no record.
15. Magistrate Andrew J. Peck acting in collusion with Magistrate Henry Pitman, and Pitman's courtroom deputy Bruce Hampton tried to deceive Radin, to wit, Peck cannot dismiss a case in H5118158 when, in fact, no case was opened in the federal court.

**-Federal prosecutors colluded in concealing evidence-**

16. On December 9, 2016, David Astacio, at the U.S. Marshal's office on the 4<sup>th</sup> floor of 500 Pearl Street, New York, New York, stated that no one "destroyed" over an hour of building video tape from the January 28, 2016, assault and battery without cause on Lidya Maria Radin by Frank Pena in contradiction to statements made by Assistant United States Attorney (AUSA) Stephanie Lake in late November 2016.
17. As recently as December 16, 2016, AUSA Stephanie Lake admitted that Lake and other prosecutors intentionally concealed over an hour of building video tape from Lidya Radin in violation of Lake's continuing duty to immediately provide Brady material to Radin and in violation of 18 USC section 2071, concealment, among other things.
18. AUSA Stephanie Lake concealed other evidence from Radin, see Burg discovery documents for examples, to wit: Federal Protective Service Reports, Security Assessment Reports, Arrest Reports, Department of Homeland Security Reports/Alerts, especially an alert that falsely stated that Radin had been "hospitalized at Bellevue" as a search of the Bellevue records revealed that Radin was never hospitalized at Bellevue, in fact, Radin worked at Bellevue, Reports of Investigation, Field Reports, witness statements/interviews, Court Facility Incident Reports, authorized approval from the Federal Protective Service Mega Center authorizing "escorts" of Ms. Radin, "escorts",

which are, in fact, unlawful searches by observation, "escorts" which are, in fact, spying on and defaming Radin, and which on, at least, one occasion, intimidated the court clerks into not being honest and forthcoming with Radin about her business at the courthouse, "escorts" which are, in fact, thinly-veiled attempts to provoke more violence and incidents against Radin, Dean Loren, and other members of their union/group, post orders authorizing "escorts" of Radin, and U.S. Marshal "alerts" and "caution notices".

19. See also the sworn statements of Elvia Saravia: "... in my presence in the Eastern district of New York federal courthouse a Deputy U.S. Marshal taunted Ms. Radin by telling her that there were Court Facility Incident Reports on Radin and that Radin ' would never know who wrote those reports. ' "
20. Discovery is the backbone of due process, without discovery there is no due process, *Wardius v. Oregon*, 412 U.S. 470 ( 1973 ).
21. See also the sworn statements of Jayson Burg wherein U.S. Attorney Paul Fishman refused to provide evidence in violation of Brady, to wit, a hard-copy of a U.S. Marshal " Caution Notice " that defamed Lidya Radin and Jayson Burg as "sovereign citizens".
22. Illegal, unconstitutional conduct is sedition, subversion, *Cole, State Hospital Superintendent, et al v. Richardson*, 405 U.S. 676 ( 1972 ).

**-Federal prosecutors violated Federal Rules of Criminal Procedure, thereby depriving the Court of jurisdiction-**

23. On July 7, 2016, along with Elvia Saravia and other witnesses I accompanied Lidya Maria Radin to the courthouse at 500 Pearl Street, New York, New York.
24. After an unlawful proceeding in front of Magistrate Freeman, on July 7, 2016, I accompanied Radin to the first floor of the courthouse to witness Radin file a default against Plaintiff "UNITED STATES OF AMERICA" .
25. I witnessed Homeland Security Officer V. Samuel assault and batter and arrest without cause and without a warrant Lidya Maria Radin.
26. No one gave Radin a Miranda warning.
27. A complaint was not filed promptly in the federal district court within two days of Radin's arrest without a warrant on July 7, 2016, in violation of the Federal Rules of Criminal Procedure, Rules 3 and 5.
28. A complaint, a statement of the facts sworn to under oath, Rules 3 and 5, Federal Rules of Criminal Procedure, was not filed promptly within two days in the federal district court after the arrest without a warrant that was inflicted upon Radin on July 7, 2016 by Homeland Security Officer V. Samuel.

29. Violating the Federal Rules of Criminal Procedure deprives the federal district court of jurisdiction, if indeed the federal district court ever had jurisdiction.
30. Federal prosecutors cannot break the law while at the same time purporting to enforce the law.
31. Federal prosecutors are creatures of the law and they are bound by the law, *United States v. Lee*, 106 U.S. 196 ( 1882 ).
32. On January 28, 2016, in the federal courthouse contract guard Frank Pena assaulted and battered and arrested without cause and without a warrant Lidya Maria Radin as per the building video tape.
33. A complaint was not filed promptly in the federal district court within two days of Radin's arrest without a warrant on January 28, 2016, in violation of the Federal Rules of Criminal Procedure, Rules 3 and 5.
34. A complaint, a statement of the facts sworn to under oath, Rules 3 and 5, Federal Rules of Criminal Procedure, was not filed promptly within two days in the federal district court after the arrest without a warrant that was inflicted upon Radin on January 28, 2016 by contract guard Frank Pena.
35. Violating the Federal Rules of Criminal Procedure deprives the federal district court of jurisdiction, if indeed the federal district court ever had jurisdiction.
36. Federal prosecutors cannot break the law while at the same time purporting to enforce the law.
37. Federal prosecutors are creatures of the law and they are bound by the law, *United States v. Lee*, 106 U.S. 196 ( 1882 ).

*I demand the right to offer proof of all that I have testified to in this affidavit, have each statement accepted or rebutted with factual evidence at a For Cause Hearing within 21 calendar days of tender of this affidavit and/or upon failure to rebut this affidavit, by acquiescence, all parties stipulate to the truth of the facts and statements made herein. Failure to rebut this affidavit will be evidence in the matter noted above that complainant(s)/victim(s) were injured by loss of rights and by government agents' interference and that they exceeded their jurisdiction.*

Sworn and subscribed to me, this 4<sup>th</sup> day of JANUARY 2017

STATE OF NEW YORK

COUNTY OF KINGS

SIGNED BEFORE ME ON 1/4/2017 JANUARY 4, 2017

Eric Richmond

KAMAL P. SONI

Notary Public, State of New York

No. 01SO6089949

Qualified in Kings County

Commission Expires March 31, 2019

richmond.2017

Affidavit  
of

JAYSON-HARLEY: BURG

Tuesday, January 3, 2017

**Affidavit of Jayson-Harley: Burg regarding the U.S. Marshal " Caution Notice "**  
**defaming and targeting Jayson Burg, Lidya Radin, and April Cabbell as "sovereign**  
**citizens" by the U.S. Marshal Service.**

*I, Jayson-Harley: Burg, residing at 21 Stegman Place, Jersey City, New Jersey, telephone: 201-240-5351, a living man, one of the Posterity of the People, We the People, am of full age, am competent and willing to testify, and having personal, first-hand knowledge of the facts stated herein, swear to the following, under penalty of perjury:*

1. In February 2016, my, then, court-appointed attorney John Azzarello showed me, Lidya Maria Radin, Terrence Culpepper, Ms. N. Moss, and another witness a U.S. Marshal " Caution Notice " that defamed me, Lidya Radin, and April Cabbell as "sovereign citizens".
2. See also Burg discovery document, Burg\_000102, regarding Deputy U.S. Marshal Jerry Sanseverino as the source of defaming me, Lidya Radin and April Cabbell as "sovereign citizens": "...Sanseverino had advised him that SUBJECT [ Burg ] is a sovereign citizen."
3. The " Caution Notice " that Attorney Azzarello showed us was a picture on Azzarello's cell phone, because, in violation of U.S. Attorney Paul Fishman's ongoing duty to release Brady material to me, in connection with a vindictive prosecution against me, Fishman refused to provide me with a hard-copy of this " Caution Notice " .
4. From his cell phone Attorney Azzarello read out-loud the details of this " Caution Notice " to me, Moss, Radin, Culpepper, and another witness.
5. The details of the "Caution Notice " resemble an inept psychological profile.
6. This "Caution Notice " was generated on or about **February 27, 2015**.
7. The U.S. Marshals defamed me and Lidya Radin as "sovereign citizens" in retaliation for reaching out to our federal Grand Juries regarding constitutional violations and racketeering, in Radin's case collection of an illegal debt, see **In the Matter of in re Grand Jury Application, 617 F. Supp 199 ( 1985 )**, in January 2015 and on February 4, 2015 ( and on March 10, 2015 ), because Deputy U.S. Marshal Jerry Sanseverino, in New Jersey, and Deputy U.S. Marshal James Howard, in New York, conspired and colluded in financial crimes against Radin and taxpayers in connection

with Yeshiva University, and the Albert Einstein College of Medicine, since, at least, 2012 ( Sanseverino ) , and 2009 ( Howard ) , respectively.

8. Federal Grand Juries would have indicted Howard and Sanseverino for colluding and conspiring in crimes.
9. Defaming a man or woman as a "sovereign citizen" puts that man or woman's life at great risk because the "sovereign citizen" movement has been characterized as an extreme domestic terrorist organization.
10. In fact, the Burg discovery documents reveal that I was defamed as a man who may be a member of a terrorist organization.
11. In fact, the Burg discovery documents reveal that I was defamed as a suicidal terrorist by the Federal Bureau of Investigation ( FBI ) Terrorist Screening Center as recently as July 6, 2016, the day before I accompanied Radin to court on July 7, 2016, in the Southern district of New York, as a member of Radin's safety escort/safety committee.
12. On January 28, 2016, without cause Radin was physically assaulted and battered by Frank Pena, a contract guard, in the Southern district of New York, and could have been left paralyzed or dead, in the worst case.
13. In fact, on March 24, 2015, I was attacked without cause by "contract guards" , agents of the U.S. Marshals, and Deputy U.S. Marshals and could have been left paralyzed or dead, in the worst case.
14. Attorney Azzarello acknowledged in front of witnesses that these false reports were used to goad an unwarranted physical assault and battery on Me on March 24, 2016.
15. Defaming Me in advance as a suicidal terrorist provides convenient cover story, if I had been murdered.
16. In fact, I am a Marine.
17. As a Marine, I have sworn a life-long oath to uphold, support, and defend the Constitution.
18. In fact, Lidya Radin was physically assaulted and battered without cause by contract guard Frank Pena on January 28, 2016 and could have been left paralyzed or dead, in the worst case, because, among other things, Lidya Radin has spinal injuries and is trying to avoid surgery.

19. Defaming Lidya Radin in advance as a terrorist provides convenient cover story, if Radin had been murdered.
20. I helped Radin expose perjury by Daniel Riesel, a former federal prosecutor.
21. I helped Radin expose perjury by John Scarfone, an Associate General Counsel at Yeshiva University.
22. Radin was named as a witness against officials associated with Yeshiva University and the Albert Einstein College of Medicine of Yeshiva University including Daniel Riesel and John Scarfone.
23. The cases against and involving Riesel and Scarfone are not time-barred, the rulings in those cases are void and subject to collateral attack at any time.
24. In fact, officials associated with Yeshiva University and the Albert Einstein College of Medicine of Yeshiva University stipulated to fraud, discrimination, and hate crimes against Radin, crimes which are continuing and ongoing, today.
25. These ongoing crimes defraud taxpayers as well as Radin.
26. Radin and I are whistle-blowers to fraud, waste, and abuse by government officials.
27. Yeshiva University is associated with the Jewish Defense League, an organization characterized as a terrorist hate group, and through the Albert Einstein College of Medicine of Yeshiva University ( AECOM ) , Yeshiva University is associated with a medical doctor from Radin's medical school ( AECOM ) who murdered Muslims while they were praying.
28. See also Diane Persky v. Yeshiva University wherein officials associated with Yeshiva University discriminated against Diane Persky, a Conservative-Jewish woman, on the basis of religion, in the Southern district of New York, docket no: 01-cv-5278, claiming Persky was not Orthodox enough.
29. In connection with Radin's records that were intentionally falsified at Yeshiva University and AECOM, in addition to fraud, discrimination and hate crimes, elected officials admitted that Yeshiva University and AECOM receives money that "cannot be touched" from the Central Intelligence Agency ( CIA ) as an excuse for the fact that purportedly responsible government officials failed and refused to end Yeshiva's and AECOM's funding as required by law and as articulated in U.S. Supreme Court rulings.

30. In addition, Lidya Radin, April Cabbell, and I were targeted because we were associated with the National Liberty Alliance as we publicized facts through National Liberty Alliance.
31. National Liberty Alliance used the fact that Radin was persecuted to show a need for a common law Grand Jury.
32. I am not a "sovereign citizen" within the meaning of being a terrorist.
33. Lidya Maria Radin is not a "sovereign citizen" within the meaning of being a terrorist.
34. April Cabbell is not a "sovereign citizen" within the meaning of being a terrorist.
35. Lidya Maria Radin resigned from the National Liberty Alliance.
36. I resigned from the National Liberty Alliance.
37. In connection with the vindictive prosecution against Radin, now, in "UNITED STATES OF AMERICA v. LIDYA MARIA RADIN" , docket number: 16-cr-528, in the Southern district of New York, on July 7, 2016, Myself and other members of Radin's group/safety escort were threatened with arrest if we sat at the defense table with Radin to provide effective assistance to Radin, in violation of Radin's constitutionally protected and guaranteed right to effective assistance of counsel and in violation of U.S. Supreme Court rulings which are controlling, see "*Litigants can be assisted by unlicensed laymen during judicial proceedings*", Brotherhood of Trainmen v. Virginia ex rel Virginia State Bar, 377 U.S. 1, NAACP v. Button, 371 U.S. 415, United Mineworkers of America v. Gibbs, 383 U.S. 715, Johnson v. Avery 89 S. Ct. 747, and see the July 7, 2016 transcript, witness affidavits, and courtroom video tape.
38. Effective assistance of counsel is not defined as a Bar-licensed attorney.
39. And again, on August 26, 2016, members of Radin's group were threatened with arrest if members sat at the defense table with Radin to provide effective assistance to Radin, in violation of Radin's constitutionally protected and guaranteed right to effective assistance of counsel and in violation of U.S. Supreme Court rulings which are controlling, see "*Litigants can be assisted by unlicensed laymen during judicial proceedings*", Brotherhood of Trainmen v. Virginia ex rel Virginia State Bar, 377 U.S. 1, NAACP v. Button, 371 U.S. 415, United Mineworkers of America v. Gibbs, 383 U.S. 715, Johnson v. Avery 89 S. Ct. 747, and see the August 26, 2016 transcript, witness affidavits, and courtroom video tape.

09 4 of 6

40. Effective assistance of counsel is not defined as a Bar-licensed attorney.
41. And again, on September 23, 2016 Eric Richmond and Elvia Sararvia were threatened with arrest if Richmond and/or Saravia sat at the defense table with Radin to provide effective assistance to Radin, in violation of Radin's constitutionally protected and guaranteed right to effective assistance of counsel and in violation of U.S. Supreme Court rulings which are controlling, see *"Litigants can be assisted by unlicensed laymen during judicial proceedings"*, Brotherhood of Trainmen v. Virginia ex rel Virginia State Bar, 377 U.S. 1, NAACP v. Button, 371 U.S. 415, United Mineworkers of America v. Gibbs, 383 U.S. 715, Johnson v. Avery 89 S. Ct. 747, see witness affidavits, and courtroom video tape.
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43. And again, on November 10, 2016 Eric Richmond and Elvia Sararvia were threatened with arrest if Richmond and/or Saravia sat at the defense table with Radin to provide effective assistance to Radin, in violation of Radin's constitutionally protected and guaranteed right to effective assistance of counsel and in violation of U.S. Supreme Court rulings which are controlling, see *"Litigants can be assisted by unlicensed laymen during judicial proceedings"*, Brotherhood of Trainmen v. Virginia ex rel Virginia State Bar, 377 U.S. 1, NAACP v. Button, 371 U.S. 415, United Mineworkers of America v. Gibbs, 383 U.S. 715, Johnson v. Avery 89 S. Ct. 747, see witness affidavits, and courtroom video tape.
44. Effective assistance of counsel is not defined as a Bar-licensed attorney.
45. Colluding and conspiring in violating Radin's constitutionally protected and guaranteed rights deprives the federal district court of jurisdiction, if indeed the federal district court ever had jurisdiction against Radin, because federal prosecutors cannot break the law at the same time that they purport to enforce the law.
46. Federal prosecutors have to lawfully obtain and maintain jurisdiction at each and every step of any proceeding, because federal prosecutors cannot break the law at the same time that federal prosecutors purport to enforce the law.
47. Federal prosecutors colluding and conspiring in constitutional violations and other crimes and transgressions against Radin and taxpayers, including collection of an illegal debt, racketeering, cannot break the law while, at the same time, purporting to enforce the law.

48. Federal prosecutors are creatures of the law and they are bound by the law, United States v. Lee, 106 U.S. 196 ( 1882 ).
49. Discovery is the backbone of due process, without discovery there is no due process, Wardius v. Oregon, 412 U.S. 470 ( 1973 ).
50. Illegal, unconstitutional conduct is sedition, subversion, Cole, State Hospital Superintendent, et al v. Richardson, 405 U.S. 676 ( 1972 ).
51. I fired Attorney John Azzarello for ineffective assistance of counsel, a violation of my sixth amendment constitutionally protected and guaranteed right, in connection with a retaliatory, vindictive prosecution against me.

*I demand the right to offer proof of all that I have testified to in this affidavit, have each statement accepted or rebutted with factual evidence at a For Cause Hearing within 21 calendar days of tender of this affidavit and/or upon failure to rebut this affidavit, by acquiescence, all parties stipulate to the truth of the facts and statements made herein. Failure to rebut this affidavit will be evidence in the matter noted above that complainant(s)/victim(s) were injured by loss of rights and by government agents' interference and that they exceeded their jurisdiction.*

Sworn and subscribed to me, this 3<sup>rd</sup> day of January 2017

Jayson-Harley-Burg Jayson-Harley-Burg  
Tuesday, January 03, 2017

*Vidya K. Hansen*

Vidya K. Hansen  
I.D. 2112608  
Notary Public, State of New Jersey  
My Commission Expires June 9, 2018

Other Supportive  
Affidavits

### AFFIDAVIT OF ERIC RICHMOND

I, Eric Richmond, being duly sworn to God says the following, under penalty of perjury:

1. I am of full age and I can be reached at:

Eric Richmond / 2107 Regent Place /Brooklyn, NY 11226/ [gowanusx@gmail.com](mailto:gowanusx@gmail.com) - (646) 256 9613.

2. On 6/21/2016 at approximately 12 PM, I observed Lidya Radin submit papers regarding violation # H5118172 including a petition for abatement to the Court Clerks Vincent Babino and Daniel Ortiz on the 5th Floor of 500 Pearl Street.

3. The clerks, Vincent Bambino and Daniel Ortiz, refused to put the papers on the record.

4. On 6/24/2016 at an ex-parte proceeding, a proceeding that excluded Lidya Maria Radin I informed Chief Magistrate Judge Debra Freeman that the clerks refused to put Ms. Radin's papers on the record.

5. On 6/24/2016, Chief Magistrate Judge Debra Freeman stated there was no record.

6. On 6/24/2016 at approximately 10AM Dean Loren stated to Judge Freeman that he was a witness to the January 28, 2016 assault on Ms. Radin and that the prosecutor had not contacted him in the five months since the assault on Ms. Radin..

7. That Dean Loren requested that Judge Freeman order Assistant United States Attorney (AUSA) Stephanie Lake to talk to him.

8. Magistrate Judge Freeman refused to order AUSA Stephanie Lake to talk to Dean Loren to take his witness statement regarding the assault on Lidya Maria Radin.

9. Judge Freeman scheduled another ex-parte proceeding to take place on July 7, 2016 at 10 AM and stated that there would be no hearing or trial on that date either.

10. Immediately after the proceeding Dean Loren attempted to give AUSA Stephanie Lake his sworn witness affidavit regarding the assault on Lidya Maria Radin.

11. AUSA Stephanie Lake avoided Dean Loren and courtroom security prevented Dean Loren from handing his witness affidavit to AUSA Stephanie Lake.

Dated: Brooklyn, NY June 28, 2016 By: 

Eric Richmond

STATE OF NEW YORK  
COUNTY OF KINGS  
SIGNED BEFORE ME ON 6/28/2016  
ERIC H RICHMOND

  
KAMAL P. SONI  
Notary Public, State of New York  
No. 01SO6089949  
Qualified in Kings County  
Commission Expires March 31, 2019

Date: August 9, 2016

To: SDNY Chief Judge Colleen McMahon,  
Federal Defenders Board Chair Barry H. Berke, FD Exec Dir. David Patton,  
Lidya M. Radin and AUSA Stephanie Lake

From: Dean Loren, Esq. and Witness to Inter-Con Assault on LM Radin on 01/28/16

re: July 7, 2016 Gross Misconduct of Federal Defender Julia Gatto

Chief Judge McMahon, Chair Berke, Exec. Dir. Patton, Ms. Radin and AUSA Lake

On July 7, 2016, I personally witnessed from the 4th Row Pew in Room 520 the gross misconduct of Julia Gatto, Esq. who is employed by the Federal Defenders and under the Supervision of Exec. Dir. Patton, sit at a table used by Lidya M. Radin and was told several times by Ms. Radin that Ms. Gatto did not represent her and that Ms. Gatto should leave. At all times, Ms. Radin was respectful and maintained her focus on presenting US Attorney Bharara's default issues arising from failure to adhere to Federal Rules of Criminal and Civil Procedure.


Ms. Gatto refused to leave the table and two of her associates made notes as they sat in the 3rd Row Pew opposite me. Clearly someone assigned her to sit at that table. I ask who?

What was most disturbing and many would consider a gross violation of attorney conduct and professional responsibility was Ms. Gatto's actions in reading Ms. Radin's papers, notes and other items while Ms. Radin clearly spoke to her abatement filing, denied personal/subject matter jurisdiction and established no complaining statements made and sworn under penalty of perjury.

To further inquire of Ms. Gatto's violation of Ms. Radin's zone of privacy, I engaged Ms. Gatto in a conversation in the clerk's office next door after the hearing. Ms. Gatto was clearly angered in not achieving some goal and refused to identify herself or speak to me after I clearly said to her that I was a personal witness to the Inter-Con employee who blocked Ms. Radin's lawful exit and then assaulted her on January 28, 2016, the subject of Debra Freeman's actions in what Freeman openly described as a Court of No Record. At all times, Ms. Gatto displayed a disassociated behavior with major infractions of the Federal Rules of Criminal and Civil Procedure that occurred in front of her and to which she openly participated in by her continuing refusal to leave Ms. Radin's zone of privacy in contradiction to her license to practice law.

Lastly, I note that Julia Gatto is a former associate of the Chair Berke's law firm and is prominently displayed on the front page of the Federal Defender website.

Sworn to under penalty of perjury this August 9, 2016

  
Dean Loren

**AFFIDAVIT OF ERIC RICHMOND FOR THE NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE ( NAACP ) AND FOR LIDYA MARIA  
RADIN AND FOR THE PUBLIC RECORD.**

*I, Eric Richmond, a living man receiving mail at 2107 Regent Place, Brooklyn, New York, 11226, with a contact phone: 646-256-9613 , am of full age, am competent and willing to testify, and having personal, first-hand knowledge of the facts stated herein, swear to the following, under penalty of perjury:*

1. On September 23, 2016 I accompanied Ms. Lidya Maria Radin to a so-called proceeding in front of Magistrate Henry Pitman in the federal courthouse located at 500 Pearl Street, New York, New York, 10007.
2. Ms. Radin is defending against criminal charges unlawfully made against her by Assistant United States Attorneys Stephanie Lake and Michael Ferrara.
3. Ms. Radin invited me to sit at the defense table with her to provide assistance to her.
4. I did so.
5. The U.S. Marshals, Shayne Doyle, Homeland Security Inspector Justine Green, a white man who refused to identify himself, and a black man who refused to give me his name threatened to arrest me if I continued to sit with Ms. Radin at the defense table to provide assistance to her.
6. I left Ms. Radin's table under duress.
7. When I confronted the unidentified black man about his not having the authority to remove anyone like this especially in light of the fact that he refused to give me his name, he stated his name as "Velez".
8. Also present was United States Attorneys Michael Byars, Sharanya Mohan, and an intern, Clinton Agresti.

*I demand the right to offer proof of all that I have testified to in this affidavit, have each statement accepted or rebutted with factual evidence at a For Cause Hearing within 21 calendar days of tender of this affidavit and/or upon failure to rebut this affidavit, by acquiescence, all parties stipulate to the truth of the facts and statements made herein. Failure to rebut this affidavit will be evidence in the matter noted above that complainant(s)/victim(s) were injured by loss of rights and by government agents' interference and that they exceeded their jurisdiction.*

Sworn and subscribed to me this 10/22/16 day of October 2016.

X Eric Richmond 10/22/2016

**JURAT WITH AFFIANT STATEMENT**

State of New York }  
County of Kings } ss.

☒ See Attached Document (Notary to cross out lines 1-7 below)

☐ See Statement Below (Lines 1-7 to be completed only by document signer[s], not Notary)

1 Affidavit of ERIC Richmond for the National Association  
2 for the Advancement of Colored People (NAACP) and  
3 for Lidya Ra maria Radin and for the Public Record.  
4 \_\_\_\_\_  
5 \_\_\_\_\_  
6 \_\_\_\_\_  
7 \_\_\_\_\_

Signature of Document Signer No. 1

Signature of Document Signer No. 2 (if any)

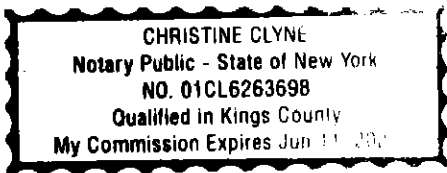
Subscribed and sworn to (or affirmed) before me  
this 22nd day of October, 2016, by  
Date Month Year

ERIC H Richmond  
Name of Signer No. 1

Name of Signer No. 2 (if any)

Signature of Notary Public

Any Other Required Information  
(Residence, Expiration Date, etc.)



Place Notary Seal/Stamp Above

**OPTIONAL**

This section is required for notarizations performed in Arizona but is optional in other states. Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: Affidavit of ERIC Richmond for the National Association for the Advancement of Colored People (NAACP) and for Lidya maria Radin and for the Public Record

Document Date: 10/22/2016

Number of Pages: 1

Signer(s) Other Than Named Above: N/A

**Corrected affidavit of Eric Richmond regarding the events on July 7, 2016**

*I, Eric Richmond, a living man receiving mail at 2107 Regent Place, Brooklyn, New York, 11226, with a contact telephone number of (646) 256-9613, am of full age, am competent and willing to testify, swear to the following, under penalty of perjury.*

The following terms are defined as follows:

**“ The Clerk of Court ”** means the Clerk(s) in Room 120, located on the first floor, in the federal courthouse, located at 500 Pearl Street, New York, New York, 10007.

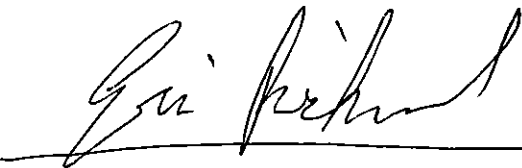
**“The Pro Se Clerk of Court ”** means the Pro Se Office, in Room 200, located on the second floor, in the federal courthouse, located at 500 Pearl Street, New York, New York, 10007.

1. On July 7, 2016 at 10:00 AM I attended, as a safety escort to Lidya Maria Radin, a courtroom function on a violation, violation H5118172, simple assault, in Courtroom 5A, on the fifth floor of the federal courthouse located at 500 Pearl Street, New York, New York, 10007, before Chief Magistrate Judge Debra Freeman.
2. Violation H5118172, simple assault, was challenged by Ms. Radin in several Petitions for Abatement due to Misnomer.
3. The prosecuting attorney, Assistant United States Attorney ( AUSA ) Stephanie Lake, did not respond to Ms. Radin’s Petitions for Abatement due to Misnomer.
4. By not responding the prosecuting attorney Stephanie Lake defaulted.
5. Plaintiff “UNITED STATES OF AMERICA” did not respond to Ms. Radin’s Petitions for Abatement due to Misnomer.
6. By not responding Plaintiff “UNITED STATES OF AMERICA” defaulted.
7. Also, there were no required sworn statement(s) of probable cause in connection with the violation H5118172, simple assault.
8. Accordingly, without a response to Ms. Radin’s Petitions for Abatement due to Misnomer and/or sworn statement(s) of probable cause, there was no reason to compel Ms. Radin’s appearance.
9. Any magistrate or judge involved is required to review such before taking any actions, including compelling any appearance.
10. On July 7, 2016, Ms. Radin repeatedly made it clear that she rejected any Bar-licensed attorney supplied for her by any entity and that the courtroom function was illegal.

11. Debra Freeman said that Ms. Radin was precluded from filing any papers with the adjacent intake office, in Room 520, and must file with the Pro Se Office.
12. Ms. Radin rejected the requirement that she file all papers with the Pro Se Clerk of the Court and that, as per federal district court Judge Carter's directions, the place to file the default was with the Clerk of the Court.
13. Me and other men and women in my safety escort were menaced by several courtroom guards attempting to force our exit immediately after the courtroom function and continued to menace us after we, as a group, said we were waiting to escort Ms. Radin to prevent any more attacks on her.
14. Upon exit we were menaced by, among others, Samuel, Valez, and Shayne Doyle.
15. As a group, we attempted to enter the Clerk of Court's office on the first floor to file the default as neither the prosecuting attorney nor the Plaintiff "UNITED STATES OF AMERICA" had responded to the Petitions for Abatement due to Misnomer.
16. We were prevented from entering the Clerk of Court's office by, among others, Samuel, Valez, and Shayne Doyle.
17. We were told by Samuel, Valez, and Shayne Doyle that Magistrate Freeman had ordered Ms. Radin not to file any more documents in the intake room adjacent to Courtroom 5A.
18. Samuel audibly affirmed that he had heard that at the court function also.
19. After direction by Valez and Doyle, Samuel arrested Lidya Maria Radin without cause and forcibly ejected the rest of her safety escorts including me from 500 Pearl Street without cause.

*I demand the right to offer proof of all that I have testified to in this affidavit, have each statement accepted or rebutted with factual evidence at a For Cause Hearing within 21 calendar days of tender of this affidavit and/or upon failure to rebut this affidavit, by acquiescence, all parties stipulate to the truth of the facts and statements made herein. Failure to rebut this affidavit will be evidence in the matter noted above that complainant(s)/victim(s) were injured by loss of rights and by government agents' interference and that they exceeded their jurisdiction.*

Sworn and subscribed to me this 22 day of October 2016.



10/27/2016